S73K-1-44

Benchmark 1987

Annual Report Of The South Dakota Unified Judicial System

Compiled and Published by
The South Dakota
State Court Administrator's Office
Pierre, South Dakota
January, 1988

South Dakota Unified Judicial System

STATE COURT ADMINISTRATOR'S OFFICE
STATE CAPITOL
PIERRE, S.D. 57501
(605) 773-3474

The Honorable Chief Justice and the
Justices of the Supreme Court
of the State of South Dakota,

The Distinguished Members of the
South Dakota Legislature, and

His Excellency, the Governor of
South Dakota

Your Honors:

For your information, and as part of our effort to keep the public and the government agencies of the State of South Dakota informed about the activities of the state's court system, I submit this letter with the annual report of the Unified Judicial System, Benchmark 1987.

The Benchmark covers the structure and programs of the judicial system for calendar year 1987, as well as statistical information for fiscal year 1987. We acknowledge our gratitude to the clerks of court and court services officers throughout the state who were responsible for submitting most of the data contained herein, and our staff personnel who compiled and prepared the Benchmark for publication.

Sincerely,

Tom Geraets

Tom Geraets
State Court Administrator

Members of the South Dakota Supreme Court

Hon. Richard SABERS
Justice, Second District

Hon. Robert E. MORGAN
Justice, Fourth District

Hon. George W. WUEST
Chief Justice, Fifth District

Hon. Frank E. HENDERSON
Justice, First District

Hon. Robert A. MILLER
Justice, Third District

Table of Contents

Title	Page
The Unified Judicial System 1987	1
South Dakota Courts, Judges and Jurisdictions	2
The Court Structure	3
Supreme Court	3
Membership and Appointment	3
Map 1. Supreme Court Appointment Districts	4
Jurisdiction	4
Settlement Conference	5
Supreme Court Data	6
Table 1. Supreme Court Caseload Compared by Fiscal Year	7
Chart 1. Supreme Court Caseload Comparison	7
Circuit Court	8
Map 2. Judicial Circuits and Counties	8
Magistrate Courts	9
Presiding Judges Meeting	9
Judicial Conference	10
Judicial Qualifications Commission	10
Bench Personnel by Judicial Circuit	11
Table 2. Organization Chart of the UJS	12
State Judicial Staff	13
Justices' Law Clerks	13
Clerk of the Supreme Court	13
Chief of Legal Research	13
State Court Administrator's Office	13
Circuit Judicial Staff	14
Circuit Court Administrator	14
Law Clerk	14
Clerk of Court	14
Court Services Officer	14
Court Reporter	14
Table 3. Clerk-Magistrate Staffing by Circuit	15
Table 4. Staffing Allocations by Circuit	15
Financing the Unified Judicial System	16
Table 5. State Budget Allocation	16
Definitions of Receipt Categories	17
Table 6. Clerk of Court Receipts and Disbursements, Fiscal Year 1987	18
Table 7. Clerk of Court Receipts and Disbursements, Compared, FY 1983 to FY 1987	19

Table of Contents

Title	Page
Chart 2. Selected Receipts Compared, Restitution, etc.	20
Chart 3. Selected Receipts Compared, Fines and Costs	21
Table 8. State Fine Receipts Compared, County and Circuit	22
Chart 4. State Fine Receipts, by Circuit, Comparing Fiscal Years 1985 and 1986	23
Chart 5. State Fine Receipts, by Circuit, Comparing Fiscal Years 1986 and 1987	23
Chart 6. Selected Receipts Compared, Total, Child Support, State Fines	24
Chart 7. Selected Disbursements Compared	24
Chart 8. Court Appointed Attorney Repayment, by Circuit	25
Table 9. County Expenditures and Repayment for Court Appointed Attorneys and Public Defenders	26
Table 10. Average Cost per Court Appointment, by County	27
Table 11. Travel Mileage by Judicial Personnel	28
Chart 9. Mileage Comparison by Circuit	28
Table 12. Travel Mileage by Court Services Personnel	29
Table 13. Comparison of Court Services Activities	30
Caseload Data	
Table 14. Civil Caseload by County, Fiscal Year 1987	32
Table 15. Criminal Caseload by County, Fiscal Year 1987	34
Civil Case Trends	
Table 16. Civil Caseload Summary	36
Chart 10. Civil Action Filings	37
Chart 11. Civil Contested Filings and Dispositions	37
Chart 12. Small Claims Actions	37
Chart 13. Divorce, Annulment and Separation Cases	37
Criminal Case Trends	
Table 17. Criminal Caseload Summary	38
Chart 14. Felony Caseload	39
Chart 15. Felony and Class-One Misdemeanor Trials	39
Chart 16. Class-One Misdemeanor Caseload	39
Chart 17. Class-One Misdemeanor and DUI Filings	39
Table 18. DUI Violations Summary	40
Chart 18. DUI Violations Summary, Filings, Guilty Pleas and Dismissals	41
Chart 19. DUI Violations Summary, Suspended Impositions of Sentence and Trials	41
Table 19. DUI Filings and Dispositions by County	42
Chart 20. Suspended Imposition of Sentence	43
Chart 21. Class-Two Misdemeanor Caseload, Filings and Guilty Pleas	44
Chart 22. Class-Two Misdemeanor Caseload, Dismissals and Trials	44
Table 20. Traffic Violation Summary	45

Unified Judicial System 1987

Along with the personnel changes and legislative actions during 1987, One of the big stories was that South Dakota served as the host state for the National Conference of Chief Justices and State Court Administrators. Preparations for this very special five-day event placed an extra administrative burden on Chief Justice Wuest and several members of the Supreme Court staff, but the results were worth the effort.

A letter from the president of the conference, Chief Judge Robert C. Murphy of the Maryland Court of Appeals, stated that "South Dakota will long be remembered as one of the all-time great events in the history of the Conference of Chief Justices."

Regarding other items of interest 1987 seems to have been a year of some noteworthy personnel change in the circuit courts and in the office of the State Court Administrator.

Mark Geddes, who had been South Dakota's State Court Administrator for almost ten years, resigned as of January 9, 1987.

The position was filled in June when the Supreme Court announced the appointment of Tom Geraets to work with them as the new State Court Administrator. Tom was formerly the Director of Central Services in the State Bureau of Administration.

Personnel changes among the circuit judges during the year include the resignation of Judge Robert Patterson in the second circuit, replaced by Robert Amundson; the retirement of Judges Gordon Mydland and Thomas Ries in the third circuit, replaced by Rodney Steele and Robert Timm, respectively; and the resignation of Judge Thomas Anderst in the fourth circuit, replaced by Tim D. Tucker.

In addition to these personnel changes, Judge Irvin N. Hoyt, previously of the third circuit, accepted an appointment to the Federal Bankruptcy Court in October, 1987.

Other noteworthy events of the year relating to the court system include the passage by the 1987 legislature of a revision to the financial responsibility (insurance) requirements for auto drivers. This revision reduced the required license suspension period from one year to thirty days for persons driving without adequate insurance coverage.

Another legislative change established a docketing procedure for delinquent child-support payments. These are now considered to be automatic judgments when the papers are properly processed by the department of social services. Also, the add-on liquidated costs for all criminal offenses was increased by law from $12 to $15, to provide additional funding to support law enforcement training and for the payment of court-appointed attorneys for the economically disadvantaged who are accused of crimes. The cost of these attorneys is expected to be repaid eventually by the defendant, even if he is acquitted of the crime. The amount of actual repayment, however, as indicated by the court-appointment tables in this report, is negligible.

The responsibilities of the court services officers were increased during the year. With the acceptance of the Supreme Court, the Governor transferred to the court system some of the probation functions of the Board of Pardons and Paroles in order to make their workload more manageable.

The transfer included interstate compact adult probationers. This means court services personnel will be responsible for those probationers from other states who wish to enter and remain in South Dakota.

South Dakota Courts, Judges and Jurisdictions

Supreme Court

Five justices appointed by the Governor from judicial districts and subject to statewide electoral approval three years after appointment and every eight years thereafter. Retirement at age seventy.

Court term coincides with calendar year.

Has appellate jurisdiction over circuit court decisions.

Has original jurisdiction in cases involving interests of state. Issues original and remedial writs.

Has rule-making power over lower court practice and procedure, and administrative control over the Unified Judicial System.

Renders advisory opinions to the Governor, at his request, on issues involving executive power.

Circuit Court

Eight circuits served by thirty-five judges, who are elected at-large from within their respective circuits for an eight-year term. Vacancies filled by Governor's appointment.

Trial courts of original jurisdiction in all civil and criminal actions. Exclusive jurisdiction in felony trials and arraignments, and all types of civil action except those areas of concurrent jurisdiction shared with magistrate courts, listed below. Appellate jurisdiction over magistrate court decisions.

Magistrate Courts

Lay Magistrate:

Appointed by the presiding judge for an indefinite term. This function is usually performed by the clerk of court.

Concurrent jurisdiction with circuit courts to:

Perform marriages, receive depositions, issue warrants, conduct certain preliminary hearings, set bail, appoint counsel, accept pleas for class-two misdemeanors, conduct hearings for petty offenses, and render judgments for uncontested civil cases involving damages of $2000.00 or less.

Law-Trained Magistrate:

Licensed attorney, appointed by presiding judge for a four-year term.

Additional jurisdiction in magistrate court to:

Conduct preliminary hearings for all criminal prosecutions, act as committing magistrate for all purposes, conduct trials of criminal misdemeanor, civil actions involving damages of $2000.00 or less, and small claims actions.

The Court Structure

The judicial system of South Dakota, as shown in the chart on the previous page, is comprised of two component levels of courts having interrelated jurisdictions. The circuit courts are the lower courts of original jurisdiction through which the bulk of the criminal prosecution and civil litigation is processed. The Supreme Court, in addition to its own areas of original jurisdiction, provides the administrative leadership for the legal and judicial system, and serves as the state's appellate court. This means that problems the litigants have with decisions made at the circuit court level are brought, as appeals, to the Supreme Court for resolution.

The circuit courts employ magistrate courts to assist in processing misdemeanor cases (mostly traffic and DUI) and less-serious civil actions such as small claims.

The courts, and the administrative apparatus of the judicial system, are described in further detail in the material following.

Supreme Court

The Supreme Court is the state's highest court and the court of last resort for state appellate actions. It is the final judicial authority on all matters involving the legal and judicial system of South Dakota. In considering state issues, however, and in making decisions about cases received from parties appealing circuit court actions, there are a few restrictions on the authority of the Court. The justices, for example, are generally expected to follow precedent--that is, their own previous decisions (with some allowance for progressive change). Also, there are the constraints placed upon the Court by the State and Federal Constitutions, by statute law passed by the legislators, and by decisions of the Federal Courts.

When a case, or an issue, meets the general criteria for consideration, the Court's judgment--to affirm or reverse a lower court decision, for example--is based on a majority vote of the five justices.

The responsibility of writing the majority opinion for each appropriate case (not all cases require a written opinion) is assigned to the justices by lot. Also, all of the justices have an unrestricted right to prepare a dissenting or concurring opinion to accompany the majority opinion. These written opinions are published in the Northwest Reporter, which is printed and distributed by the West Publishing Company.

The working term of the Supreme Court extends the full calendar year. The sessions are usually held in the hearing room in the State Capitol, or in those cities, or college campuses, that the Court may specify by its own order.

Membership and Appointment

The five members of the Court (four justices and a chief justice) are responsible for making collegial decisions regarding appellate cases and other judicial business. It is not unusual, however, for one of the judges from the circuit court to be assigned to sit on the Supreme Court bench temporarily to assist in the decision-making process.

Such appointment may occur when a justice disqualifies himself because he might have, or appear to have, personal involvement in a case, or if there is a vacancy on the Court caused by the illness or departure of a justice.

All of those who sit on the Supreme Court must be licensed to practice law in the state and permanent justices must be voting residents of the district (see Map 1) to which they are appointed at the time they take office. There is no formal age requirement for those who serve on the Court, but there is a statutory requirement that a justice must retire shortly after reaching the age of seventy. A retired justice, if he makes himself available, may be called back into temporary judicial service in any of the state's courts.

Under the terms of a Constitutional Amendment passed by the voters in November, 1980, vacancies on the Supreme Court are filled by Governor's appointment. This appointment must be made from a list of two or more candidates recommended by the Judicial Qualifications Commission. All Supreme Court justices must stand, unopposed, for statewide approval or rejection by the electorate in a retention election. For newly-appointed justices, the vote is held at the next general election following the third year after appointment; for incumbent justices who have been elected under the earlier system, the vote is held at the end of their existing eight-year term. After that, all justices stand for retention election every eighth year.

Justice Henderson, elected from district one, began serving his term in 1979 and was retained in the November, 1986 election. His next retention election will be held in 1994. Justice Sabers, from district two, and Justice Miller, from district three, were appointed in 1986 and will participate in their first retention election in 1990.

Justice Morgan, from district four, won his retention election in 1984 and will stand again for election in 1992. Chief Justice Wuest, from district five, was appointed in 1986 and will stand for retention election in 1990.

Map 1. Supreme Court Appointment Districts

Jurisdiction

The original jurisdiction--as contrasted with appellate jurisdiction--of the Court extends generally to all issues involving the interests of the state. The jurisdiction also includes power to issue original and remedial writs when the interests of the state are directly involved, or when ordinary jurisdictions and remedies are inadequate to provide relief. The Court may also render advisory opinions to the Governor, at his request, on issues involving the exercise of his executive power.

The appellate jurisdiction of the Court, by which the justices hear appeals from the decisions of the lower courts, constitutes the largest portion of their workload. This appellate control insures adherence by the circuit judges to accepted principals of justice throughout the judicial system. It is one significant way in which the Supreme Court serves the public.

In addition to their original and appellate jurisdictional duties, the justices also provide administrative control over the judicial and legal system of the state.

For example, the Court is responsible for supervision of the licensing of attorneys as members of the State Bar, and for deciding questions involving the removal of attorneys from professional practice in the state. The Court is assisted in this activity by the disciplinary board of the state bar, which prosecutes all disciplinary proceedings before the Court. This board is comprised of seven members, six of whom are appointed by the president of the state bar association, and one of whom is appointed by the Chief Justice.

Also, the discharge of these disciplinary duties requires that the Court establish a code of conduct regarding appropriate behavior of the members of the legal community, and hold disciplinary hearings to consider violations of these guidelines. Through this process, the Court is able to maintain control over the professional conduct of the attorneys of the state.

Administrative authority over the judges and justices of the court system is also exercised by the Supreme Court, assisted by the Judicial Qualifications Commission, which is discussed on the following pages.

The administrative rule-making power of the Supreme Court also applies to lower court practice and procedure, encompassing such judicial items as the regulation of civil litigation and criminal prosecution, and the Rules of Appellate Procedure. Supreme Court Rules, other than those designated as "internal procedures" (which include policy regulation, for example, of judicial system personnel), become part of state law, just as the statutes passed by the legislature.

Administrative responsibility of the Court also includes general management and supervision of the Unified Judicial System, which occasionally involves the modification of the number of circuit court judges and boundaries of circuits.

Some rules recently issued by the Court include the clarification of the Code of Professional Responsibility for attorneys, modification of the process of making motions for new trial and relief from criminal judgment, changes in the requirements for the practice of law, and in the method of taking depositions, and the assignment of management responsibility for filing administrative appeals.

Beyond these rule-making functions, the Court appoints personnel to specific permanent positions in the judicial system, authorizes commissions within the judicial branch, and approves membership on those commissions. The Court also establishes rules for effective administrative policy in the system, such as regulations governing official travel, and for training of the personnel in the Unified Judicial System.

In addition, the Court may appoint such personnel as may be appropriate to serve the needs of the state judiciary. The Court's administrative responsibility is exercised normally through the power of the Chief Justice, as specified in SDCL 16-2-20, which provides extensive authority for him to take any action necessary to ensure the efficiency of the judiciary process. The Court is assisted in this role by the State Court Administrator, the staff in his office, and the presiding judges.

Settlement Conference

The appellate settlement conference is an innovation recently introduced into the South Dakota appeals process to provide for disposition of part of the Court's workload by a Court-appointed conferee. This conferee, meeting with the parties to the appeal, attempts to facilitate a settlement between them, or to clarify the main issues of the appeal.

This process provides an alternative method of disposing of an appeal by having the parties involved--usually through their attorneys--meet in their own locality and attempt to reach an agreeable settlement without requiring a decision by the Supreme Court. Docketing statements that are filed with the appeal indicate the willingness of the parties to participate in a conference. These are screened by the Court's staff attorneys, who select those that seem most amenable to settlement by the conference process.

This process helps conserve the resources of both the litigants and the Court. The litigants save part of the normal expenditure for legal briefs, transcripts and attorney's travel costs, as well as the expense saved by reducing the attorney's time spent in preparation for, and presentation of, an oral argument before the Supreme Court. The Court saves time usually spent in researching the case and preparing an opinion.

Settlement conferences may be properly requested only by parties appealing from lower court decisions that involve money judgments, domestic relations cases, workmen's compensation, or administrative agency decisions. A conferee, however, may invite participation, if it seems appropriate, by the parties to any civil (non-criminal) appeal.

Each conferee--usually a retired judge or justice, or an attorney who has special background--is appointed by the Court to deal with a specific case. The conferee is expected to be aware of relevant Supreme Court decisions, and to have the skill to analyze the issues involved and present suggestions for effective settlement.

Data for the settlement conferences held during fiscal year 1987 are shown on Table 1.

Supreme Court Data

The information on Table 1 is presented graphically on Chart 1. Categories shown are those that are most commonly used in Supreme Court cases.

In the table, "Intermediate Appeals" are appeals from circuit court decisions that are not final and not appealable of right. These are accepted at the discretion of the Supreme Court.

A "Notice of Review" is filed by an appellee (the prevailing party in the lower court, against whom the appeal is brought) when he seeks review of any judgment or order entered in the same action from which an appeal has been taken. A notice of review is a separate filing, but not a separate disposition. It is disposed as part of the original appeal.

Under the "Dispositions" heading, the category of "Expedited Appeals Granted" represents those appeals that have been summarily affirmed or reversed on established grounds set forth in SDCL 15-26A-87.1.

In these proceedings, the Court, on its own motion, may either affirm or reverse the judgment or order from which the appeal is taken. The term "expedited appeal" is used because it usually takes less time to process appeals under this rule. The Court must be unanimous in its decision to render the summary disposition, and that decision is set out in an order or memorandum opinion.

Every case that has been filed in which no decision has yet been entered is a pending case. There are three main subcategories of pending cases, as shown on Table 1. Cases that have been completely briefed, orally argued or submitted to the Court on briefs, and which await only final disposition by the Court, are placed in the "Submitted and Pending" category. Cases that have been completely briefed and are awaiting placement on the Court's calendar are placed in the "Ready for Submission" category. Cases that have been filed, but are still in the transcript or briefing stages are placed in the "Not Ready for Calendar" category.

The lower part of the table shows settlement conference data for the first fiscal year they have been available. Out of a total of 93 filings (most requested by the appellant), 32 conferences were held, with another 11 still pending at the end of the fiscal year.

In the bar chart, cases "Submitted and Pending" are shown as "Pending." The category of "Ready for Submission" is shown as "Ready."

The data shown in the chart illustrate that total appellate filings for Fiscal Year 1987 have increased almost 14% over 1986. These filings have been increasing steadily over the past four years, creating a progressively expanding workload for the Court. In addition, dispositions during fiscal year 1987 show a 9% decline, returning to the approximate level of the three years previous to 1986.

Partially as a result of the dispositions-to-filings ratio noted, pending cases have increased this year by almost 28%, a remarkable rise after four years of relative stability. Cases submitted and pending, that is, awaiting final decision from the court, increased this year by 36% after a three-year decline.

SUPREME COURT CASELOAD COMPARED BY FISCAL YEAR

	FY 1983	FY 1984	FY 1985	FY 1986	FY 1987
FILINGS	406	371	375	395	449
Appeals	317	296	291	314	362
Intermediate Appeals	38	23	12	28	20
Original Proceedings	17	18	38	30	26
Notice of Review	30	30	29	19	34
Miscellaneous Filings	4	4	5	4	7
DISPOSITIONS	399	391	369	419	381
Opinions/Cases	212/248	190/235	183/223	207/252	186/207
Orders of Dismissal/Cases	84/84	92/97	69/74	80/81	104/105
Orders of Denial	31	32	33	18	14
Miscellaneous	13	6	7	27	26
Expedited Appeals Granted	23	21	32	41	29
PENDING CASES (as of 6-30)	27	267	279	263	336
Submitted and Pending	82	104	95	80	109
Ready for Submission	50	40	62	44	63
Not Ready for Calendar	137	119	115	136	163
Other	7	4	7	3	1
SETTLEMENT CONFERENCES					93
Filed by Appellant					85
Filed by Appellee					6
Invited by Conferee					2
Ineligible					38
Refused					12
Conference Unsuccessful					20
Case Settled					12
Pending (6-30-87)					11

Table 1. Supreme Court Caseload Compared by Fiscal Year

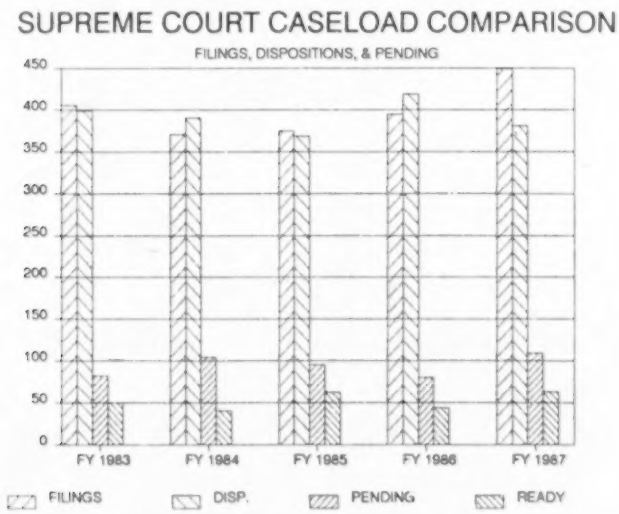


Chart 1. Supreme Court Caseload Comparison

Circuit Court

The circuit courts are the trial courts of general jurisdiction. This means the circuit court judges have original jurisdiction in all cases and proceedings except those reserved for the Supreme Court. Appeals from decisions of the magistrate court (a subdivision of the circuit court) are also heard by the judges of the circuit court.

Circuit court judges are elected at large from within their respective circuits for a term of eight years. In the event of a vacancy in one of these positions, the Governor appoints a replacement from a list of at least two candidates recommended by the Judicial Qualifications Commission. The circuit judge must be a voting resident of his circuit at the time he takes office. The thirty five judges, and the law-trained magistrates, in office at the end of fiscal year 1987 are listed on page 11. Map 2 below shows the boundaries of the eight judicial circuits.

Direct supervisory control over the circuit court procedures and personnel is exercised by the presiding judge of each circuit, who is appointed to this administrative position by, and serves at the pleasure of, the Chief Justice of the Supreme Court. The authority of the presiding judge includes the following.

1) Assigning circuit judges and arranging schedules for sessions of circuit court, and supervising the calendar for circuit court trials and hearings.

2) Appointing clerks, deputy clerks, bailiffs, and other personnel within the circuit, and establishing their rate of compensation as authorized by Supreme Court rule.

3) Arranging for the proper drawing of jury panels and for the reporting of cases.

4) Periodically reviewing and evaluating personnel performance in the judicial circuit.

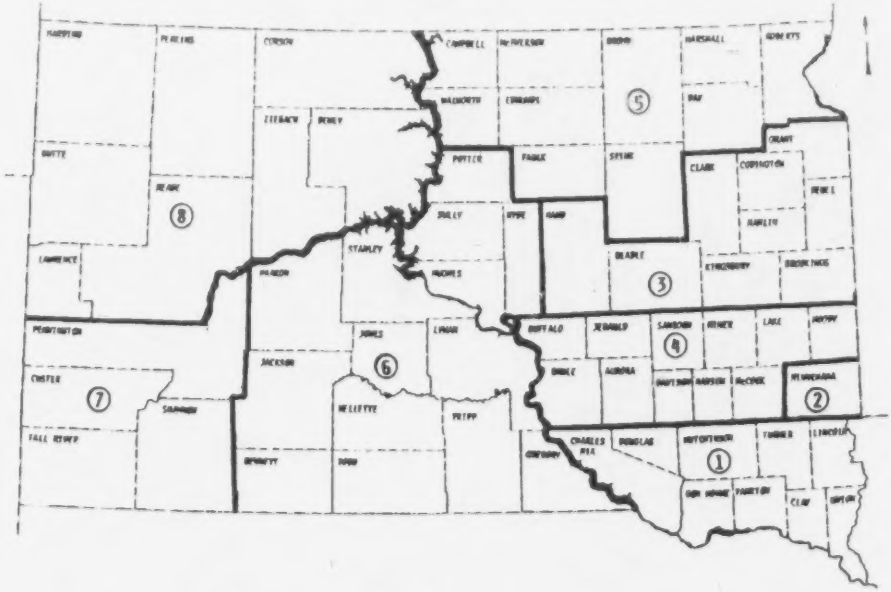
5) Monitoring the schedule of circuit judges to ensure their availability in each county according to statute.

6) Authorizing a schedule of fine and bond amounts to be used by magistrates and law enforcement officers in criminal prosecutions.

Circuit court jurisdiction over minor court actions is shared with the courts of limited jurisdiction, discussed below. Arraignment and trial of all felony cases are part of the exclusive jurisdiction of the circuit courts. The exclusive civil jurisdiction of these courts includes cases involving the following.

1) Dispute of title or boundary of real property
2) Divorce or annulment of marriage
3) Probate, guardianship and settlement of estates
4) Juvenile proceeding
5) Civil disputes in which damages claimed are in excess of $2,000.00.

As noted above, the circuit court has appellate jurisdiction over judgments, decrees and orders of magistrate courts. Decisions in small claims cases cannot be appealed.



Map 2. Judical Circuits and Counties

Magistrate Courts

In addition to the circuit courts, the South Dakota legislature has authority to provide for courts of limited jurisdiction. In the present system, these courts--the magistrate division--assist the circuit courts in disposing of misdemeanor criminal cases and minor civil actions. In so doing, the magistrate courts make the judicial system accessible to more of the public, providing a means of direct court contact for the average citizen. The jurisdiction of the magistrate court varies depending on whether there is a lay magistrate or a law-trained magistrate presiding.

The law-trained magistrate is required to be licensed to practice law in the state. Because of this legal knowledge, these magistrates are better able to provide effective decisions regarding more complex legal issues. Each full-time law-trained magistrate is appointed by the presiding judge of the circuit to a four-year term upon approval by the Supreme Court.

As is apparent from the list presented on page 11, a substantial number of the law-trained magistrates are part-time personnel, who may continue in their own private legal practice. Full-time law-trained magistrates are not permitted to have a private practice.

In addition to the functions of the court with a lay magistrate presiding, the law-trained magistrate may conduct preliminary hearings for all criminal charges, and act as a committing magistrate for all purposes. Also, with a law-trained magistrate presiding, the magistrate court may conduct trials for charges of criminal misdemeanor, civil actions involving amounts of $2,000 or less, and disputed small claims cases.

The lay magistrates, in contrast to the law-trained personnel, are more restricted in their jurisdiction. They may accept not-guilty, nolo contendere, and guilty pleas (and impose sentence) only in criminal cases for which the maximum penalty is $100.00 fine and thirty days in jail. Cases in which a not-guilty plea is entered are then scheduled for trial before a law-trained magistrate or circuit judge.

In all criminal cases, the lay magistrate is authorized to issue warrants for arrest or search, appoint legal counsel for defendants who are unable to pay for a lawyer, set bond for the release of the accused, and preside over preliminary hearings (unless a request is made by the accused to have the hearing before a law-trained magistrate or a circuit judge). In addition, the magistrate is authorized by statute to function as coroner when the regular coroner of the jurisdiction is not available.

The lay magistrate also has the power to perform marriages; to take depositions and administer oaths; and to enter judgments in defaulted small claims cases and other uncontested civil disputes involving amounts of $2,000 or less. Table 3 shows the number of personnel, by circuit, involved in the clerk and lay-magistrate activities. In most counties, the clerk of court also serves as the lay magistrate.

Although there is no educational requirement for a lay magistrate other than high school graduation, the lay magistrate is required by law to attend a training institute provided every other year by the State Court Administrator's office.

Although the state law assigns extensive authority to the lay magistrate, particularly in criminal cases, the extent of the actual exercise of this authority varies considerably from one circuit to the next, depending on a number of factors. These factors include the policy of the presiding judge, the availability of law-trained magistrates and circuit judges, and the land area of the circuit.

Presiding Judge's Meeting

Approximately every two months throughout the year, the eight presiding judges meet with the Chief Justice and the State Court Administrator. At two of these meetings each year, participation by the eight chief court services officers is also included.

Through the presiding judges meetings, judicial circuit personnel are provided direct communications into administrative policy and procedural decisions of the Unified Judicial System. The agenda encompasses a wide variety of subjects involving policy, management problems, and current issues relating to the operation of the courts.

Through these meetings, the presiding judges coordinate administrative activities among the circuits and keep themselves abreast of the latest developments in the court system. This promotes uniformity and administrative efficiency for the judges and staff in the judicial circuits. These conferences also provide an opportunity for members of the executive branch and the legislature, and other interest groups, to meet and discuss issues of mutual concern with the judicial personnel responsible for the implementation of operations at the circuit court level.

During the year, agenda items for the presiding judges meetings included reductions in the budget for the UJS, the development of the new criminal justice information system, the suspension of driver's licenses in DWI cases, charging court costs against defendants who fail to appear, lawyers' evaluation of judicial performance, distribution of fine money collected, prevention of the closing of the adolescent psychiatric program and the youth alcohol and drug unit at the Human Services Center, juvenile alternative care, revision of fines for class-two

misdemeanors, travel procedures for UJS employees, the judges' role in the criminal corrections process, the juvenile justice program, and parole additions to the court services workload.

Judicial Conference

Another primary channel of management communication in the Unified Judicial System is the annual meeting of all circuit judges and Supreme Court justices, required by state law and usually held in the Fall of the year. The purpose of this meeting, designated the Judicial Conference, is to give judges the opportunity to study the organization, rules, practices, and procedures of the judicial system, and make recommendations to the Supreme Court for appropriate legislative and Supreme Court rules changes.

The agenda for the Judicial Conference of 1986 included a discussion of suspended sentences for those convicted of prior felonies, restitution and collection costs, electronic transmission of traffic offense records, legislation involving lay magistrates, legislation modifying judicial service to the rural counties, and judicial calendar management.

Judicial Qualifications Commission

This commission, created by Article V, Section 9, of the South Dakota Constitution, and supporting statute (SDCL 16-1A), is comprised of seven members. These include 2 citizens who are not members of the state bar, appointed by the Governor; 2 judges of the circuit court, elected by the Judicial Conference; and 3 persons practicing law in the state, appointed by the president of the State Bar Association. The four year terms of the members are imbricated to promote administrative continuity.

The Judicial Qualifications Commission is primarily responsible for initiating disciplinary actions against members of the judiciary. It is empowered to receive complaints against any justice or judge, to hire personnel to investigate those complaints, and to conduct confidential hearings concerning the removal or involuntary retirement of the person subject to the inquiry. On recommendation from this commission, and after appropriate hearing, the Supreme Court may censure, remove, or retire such person for cause as specified in the Constitutional article and Supreme Court rule.

The commission also reviews applicants for vacancies on the Supreme Court and the circuit bench and nominates two or more of the most qualified to the Governor. The Governor then appoints one of those nominees to fill the vacancy.

BENCH PERSONNEL BY JUDICIAL CIRCUIT

FIRST JUDICIAL CIRCUIT, Judges:
Connelly, Riley
*Hertz, Ernest W.
Kern, Paul J.
Tapken, Jay H.

Law-Trained Magistrates:
**Cody, Mary Dell
Marmet, Robert G.
Humphrey, David C.

SECOND JUDICIAL CIRCUIT, Judges:
Heege, Robert C.
Heuermann, William H.
Hurd, Richard D.
*Kean, Gene Paul
Patterson, Robert J. (Term. 4-17-87)
Amundson, Robert A. (7-13-87)

Law-Trained Magistrates:
**Lieberman, Peter
**Neiles, Joseph

THIRD JUDICIAL CIRCUIT, Judges:
*Bradshaw, Dale E.
Martin, Eugene L.
Hoyt, Irvin N. (Term. 10-2-87)
Mydland, Gordon J. (Term. 6-12-87)
Ries, Thomas G. (Term. 4-3-87)
Timm, Robert L. (6-1-87)
Steele, Rodney J. (9-1-87)

Law-Trained Magistrates:
Turbak, Nancy
Brekke, Dean

FOURTH JUDICIAL CIRCUIT, Judges
Anderst, Thomas L. (Term. 1-9-87)
* Gerken, Marshall M.
McMurchie, Boyd L.
Miller, Ronald K.
Tucker, Tim D. (5-1-87)

Law-Trained Magistrates:
Sage, Doyle
Iosty, James

FIFTH JUDICIAL CIRCUIT, Judges:
Berndt, Leland J.
*Dobberpuhl, Eugene E.
Evans, Vernon
Gilbertson, David E.

Law-Trained Magistrates:
Glynn, Richard
**Lovrien, Larry
Olander, James

SIXTH JUDICIAL CIRCUIT, Judges:
*Anderson, James W.
Heck, Donald L.
McKeever, Patrick J.
Miller, Robert A. (Term. 12-12-86)
Talbott, Marvin S.
Zinter, Steven L. (1-19-87)

Law-Trained Magistrate:
Wendt, Richard

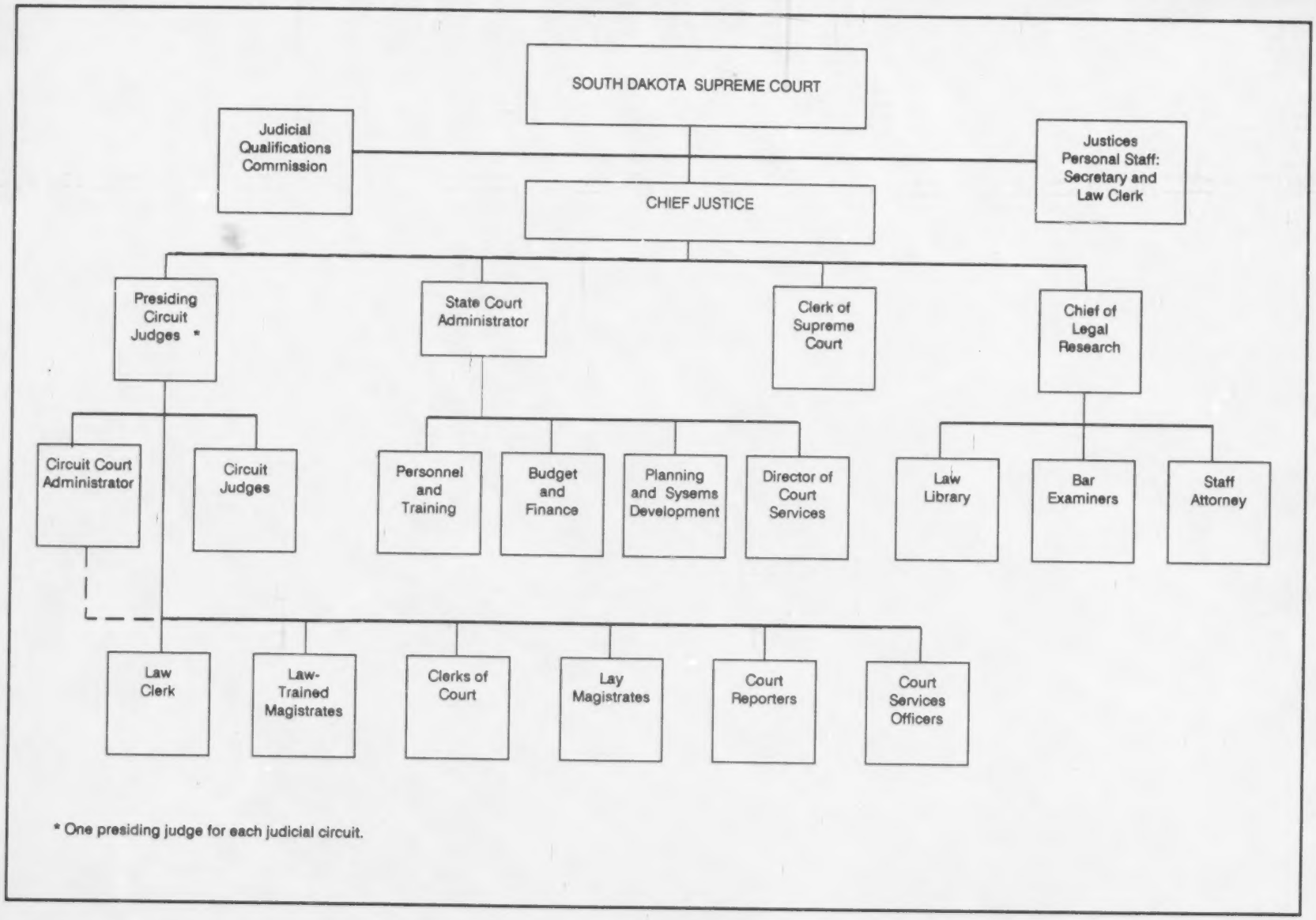
SEVENTH JUDICIAL CIRCUIT, Judges:
Davis, Jeff W.
Grosshans, Roland
Konenkamp, John
Tice, Merton B. Jr.
*Young, Marshall P.

Law-Trained Magistrates:
**Klauck, Jack
**O'Connor, Michael

EIGHTH JUDICIAL CIRCUIT, Judges:
*Johnson, Warren
Moses, Scott C.
Tschetter, Robert L.

Law-Trained Magistrates:
**Johns, Timothy R.
Severns, William L.
Hoggatt, Ralph

*Indicates Presiding Judge at end of fiscal year.
**Indicates Full-Time Magistrate
Judge Kean and Judge Johnson were appointed presiding judges of the second and eighth circuits, respectively, effective 9-8-86.
Judge Anderson was appointed presiding judge of the sixth circuit 12-15-86, after Judge Miller's appointment to the State


SOUTH DAKOTA SUPREME COURT
Judicial Qualifications Commission
Justices Personal Staff: Secretary and Law Clerk
CHIEF JUSTICE
Presiding Circuit Judges *
State Court Administrator
Clerk of Supreme Court
Chief of Legal Research
Circuit Court Administrator
Circuit Judges
Personnel and Training
Budget and Finance
Planning and Sysems Development
Director of Court Services
Law Library
Bar Examiners
Staff Attorney
Law Clerk
Law-Trained Magistrates
Clerks of Court
Lay Magistrates
Court Reporters
Court Services Officers
* One presiding judge for each judicial circuit.

State Judicial Staff

Justices' Law Clerks

Each Supreme Court justice employs a law clerk to assist in the extensive writing and research effort required for the preparation of formal Supreme Court opinions. The law clerks are recent law school graduates of high academic standing. They are selected for a one-year appointment that may be renewed for an additional year.

Clerk of the Supreme Court

The clerk assists the Supreme Court, and especially the Chief Justice, in the organization of the correspondence, exhibits, and other documentation related to the formal activities of the Supreme Court. This includes monitoring the progress of all appeals and original proceedings; scheduling oral arguments before the Court; recording Court decisions, orders and directives; and controlling their release and distribution. This office is also responsible for the management of all legal records of the Court; the compilation of appellate statistics; and the documentation and dissemination of all Court rules.

Chief of Legal Research

The attorney appointed by the Supreme Court to this position performs a number of tasks to assist the Court, particularly in the disposition of the technical workload. Responsibilities of the office include the following.

1) As executive secretary of the bar examiners, the Chief of Legal Research assists the examiners in developing, administering, and correcting the examinations given to candidates seeking admission to the bar.

2) As Supreme Court law librarian, the Chief of Legal Research is responsible for supervising and maintaining the Supreme Court law library of over 40,000 volumes.

3) The Chief of Legal Research also coordinates the efforts of staff attorneys in the prescreening of appeals and in drafting internal working memoranda, per curiam opinions, and orders for review by the Court. The staff attorneys screen the cases brought on appeal and make suggestions to the Supreme Court regarding disposition. These attorneys also help reduce the number of Court hearings by organizing the appellate settlement conferences, previously discussed. The purpose of these conferences is to help clarify the issues of the appeal, and to promote settlement between the parties, thus avoiding an expensive appeal and the need for a formal Court opinion.

State Court Administrator's Office

Directly responsible to the Chief Justice, the State Court Administrator serves as the chief management advisor to the Supreme Court. In coordinating policy decisions and developing management programs, this office provides administrative assistance and support services to the Unified Judicial System. Through biweekly meetings with the Supreme Court, administrative issues are discussed and policy decisions made which are implemented by the State Court Administrator.

In addition to these management and policy functions, there are four major subdivisions of the office, each operating within its own sphere of administrative activity.

The Personnel and Training Division is responsible for the maintenance of the Unified Judicial System personnel rules and the administration of all aspects of personnel and training activities for judicial employees. This involves the organization and implementation of training programs for all levels of personnel, including biennial training institutes for lay magistrates, and mandatory professional development programs for judges.

The personnel and training office is also responsible for the revision of personnel rules, and for the activities related to recruitment of new personnel for the judiciary. This includes publication of notices for open positions and coordination of interviews with prospective employees.

The Budget and Finance Division is responsible for the development and administration of the annual budget request and appropriation, the supervision of the accounting system, purchasing, voucher processing and payment, and maintenance of the master inventory. This office is also responsible for the creation of new forms, and for maintaining the integrity of the accounting procedures for the Unified Judicial System.

The Division of Planning and Systems Development is responsible for computer programming and analysis, the operation and maintenance of the judicial management information system, publication and maintenance of procedures manuals, the analysis of caseload and disposition data, and the preparation of research reports.

During the year, this division continued its coordination of development of a new criminal justice reporting system that would make criminal prosecution information available to a number of interested state agencies through an on-line data base.

The Director of Court Services, responsible to the State Court Administrator, acts as advisor on issues related to probation, problem juveniles, restitution, and other court services matters. The director is also responsible for the

development and coordination of all professional development activities of court services officers, and staffs the meetings of chief court services officers.

Circuit Judicial Staff

Circuit Court Administrator

The circuit court administrators assist the presiding judge in the management of the circuit. This includes budget, personnel, accounting programs, and statistical reporting responsibility. Presently only the second and seventh circuits are staffed with full time circuit court administrators. In the other circuits, there is an administrative secretary or assistant who performs these functions.

Law Clerk

Every judicial circuit now has the benefit of the services of a full-time law clerk. These are recent law-school graduates employed to provide research assistance to the presiding judge and circuit judges in the preparation of case judgments and orders of the court.

Clerk of Court

Every county in South Dakota is assigned a clerk of court. In a few counties the clerk is employed on a part-time basis. The duties of the clerk, and the deputy clerks that assist in the office, are to organize the court calendar for the county, accept and record fines and fees, perform recordkeeping and filing functions for the courts, and maintain appropriate court records for the judicial reporting system. The clerk also assists and informs the public about the schedule of the court, proper filing procedures, and about other matters of public interest such as the small claims process. In addition, the clerk of court performs the lay magistrate functions in most counties.

The Clerks' Advisory Committee, which includes a clerk-representative from each judicial circuit, meets with the State Court Administrator, and members of his staff, periodically. The purpose of these meetings is to discuss the needs and problems of the clerks' offices, develop solutions, revise the clerks' procedures manual, and make recommendations to the presiding judges regarding administrative or legislative changes.

Court Services Officer

The duties of the court services officers include the following.

1) Designing and supervising juvenile diversion program services.

2) Conducting juvenile, misdemeanant and felony presentence investigations and preparing related written reports and recommendations.

3) Providing probation services to juvenile, misdemeanant and felony probationers and their families.

4) Placing and supervising juvenile offenders in family foster homes and residential group care programs.

5) Planning and collecting offender paid victim restitution, and developing and supervising offender community-service programs.

6) Providing divorce custody investigations and mediation services, and monitoring divorce custody visitations and adoption investigations.

7) Providing public education programs, and managing community-based service activities for juvenile, misdemeanant and felony offenders

8) Collecting attorney fees, court costs, probation fees, work release costs, drug-buy money, and other costs and fees.

Coordinating the activities of the court services officers are the chief court services officers, one of whom is appointed by the presiding judge in each judicial circuit.

These officers provide administrative channels of communications for the court services programs in that circuit. The chief court services officers meet with the Director of Court Services on a quarterly basis, and with the presiding judges twice each year. The primary purpose of these meetings is to review the status of current programs in order to discern problems in the court services process and develop appropriate uniform solutions. In addition, they furnish a forum for court services personnel to coordinate their activities with those of other government agencies and private resource groups.

Court Reporter

Each circuit judge and most full time law-trained magistrates are assigned a court reporter whose duty it is to keep verbatim notes of required court activities, to make these transcripts available, and to assist the court in any related needs. The court reporters also provide secretarial services for the judge.

Clerk-Magistrate Staffing

Table 3 details the number of persons in the various categories of clerk-magistrate and lay magistrate positions, full time and part time, by circuit.

In the past fiscal year, the total **number** of personnel in the clerk of court offices has decreased. This appears to contradict the data in the following table, which indicates a slight increase in clerk and deputy clerk hours. The apparent discrepancy results from a difference in calculation. Table 4 reflects full-time equivalent (FTE) positions, discussed below, rather than the numbers of total personnel, which is shown in table 3.

CLERK-MAGISTRATE PERSONNEL BY CIRCUIT, FY 1987

CIRCUITS:	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	STATE TOTAL
FULL TIME:									
Court Clerk-Magistrate	9	17	9	10	8	10	4	4	55
Deputy Court Clerk	2	19	6	0	6	0	16	0	49
Deputy Court Clerk-Magistrate	5	0	4	6	3	4	0	7	29
Other*	0	2	0	0	0	0	2	0	4
PART TIME:									
Court Clerk-Magistrate	0	0	0	1	2	3	0	4	10
Deputy Court Clerk	5	0	1	1	3	1	0	0	11
Deputy Court Clerk-Magistrate	4	0	5	8	5	8	1	6	37
Lay Magistrate	2	0	0	0	0	3	3	2	10

* Accounting Clerk, Accountant, Microfilm Machine Operator

Table 3. Clerk-Magistrate Personnel By Circuit

FY 1984 STAFFING ALLOCATIONS BY JUDICIAL CIRCUIT

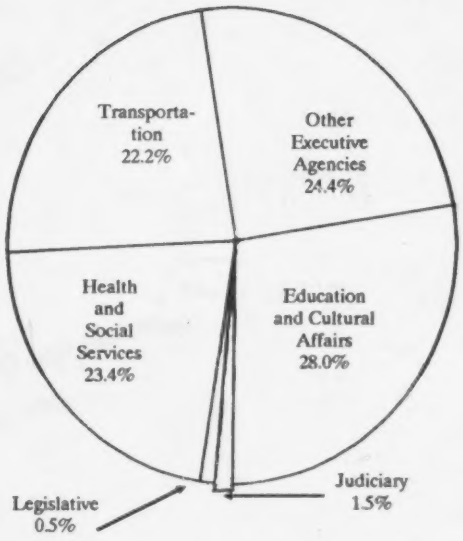
Position / Circuits:	1st	2nd	3rd	4th	5th	6th	7th	8th	Total
Bailiff	0.3	3.4	0.3	0.4	0.3	0.4	1.2	0.4	6.7
Circuit Judge	4.0	5.0	5.0	4.0	4.0	5.0	5.0	3.0	35.0
Clerk of Court	9.0	1.0	9.0	10.4	9.1	11.7	4.0	7.0	61.2
Court Administrator	0.0	1.0	0.0	0.0	0.0	0.0	1.0	0.0	2.0
Court Reporter	4.0	7.0	5.0	4.0	5.0	5.0	6.0	4.0	40.0
Court Services Officer	7.0	12.0	8.0	6.0	6.0	6.0	10.0	5.0	60.0
Deputy Clerk of Court	11.8	23.0	13.9	8.5	12.6	6.9	18.5	8.3	103.5
Law Clerk	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	8.0
Law-Trained Magistrate	.0	2.0	1.0	0.9	1.8	0.5	2.0	2.0	12.2
Lay Magistrate	0.4	0.0	0.0	0.0	0.0	1.6	0.8	0.8	3.6
Secretary	3.0	5.0	4.5	3.0	3.7	3.0	6.5	3.0	31.7
TOTAL	42.5	60.4	47.7	38.2	43.5	41.1	56.0	34.5	363.9

Table 4. Clerk-Magistrate Staffing By Circuit

Staffing Allocations

Because many of the positions filled in the Unified Judicial System are part time positions, the staffing data is represented as full-time equivalent (FTE), which is based on hours worked per year (2080 hours = 1 FTE). Thus, two persons employed on a half-time basis in a given position would appear in the table as 1.0 FTE.

The data for fiscal year 1987 show an overall increase of over 4 FTE from the previous year. The increase is in the hours for court services officers, deputy clerks, and secretaries.



AGENCY (Full-time Employees)		Amount (Millions)	Percent Of Total
EXECUTIVE			
Transportation (1291)		$187.4	22.2%
Education and Cultural Affairs (4583)		236.1	28.0%
Health and Social Services (1184)		197.4	23.4%
Other Executive Agencies:			
Charities and Corrections (2050)	$50.0		
Labor (477)	25.4		
Executive Management (352)	31.1		
Game, Fish and Parks (467)	17.7		
Commerce and Regulation (514)	21.4		
Other (1189)	58.9		
Total, Other Executive Agencies		204.5	24.4%
LEGISLATIVE (101)		4.3	0.5%
JUDICIARY (406)		12.9	1.5%
TOTAL (12,614)		$842.6	100.0%

Table 5. State Budget Allocation

Financing The Unified Judicial System

The judicial system collects millions of dollars every year in fines, bond forfeitures, fees and costs. However, because of the obvious ethical questions that would be involved if court judgments produced court income, none of this money is used to finance the system directly (refer to table 7 on page 19). All the money collected by the judiciary is disbursed into other areas of public budgeting such as the school districts or city and county general funds.

Because the judicial system of the state does not generate any of its own funding, it must be financed by funds from other sources, primarily the state budget. As demonstrated in the budget allocation data above, the judiciary's share of the budgetary pie is minuscule in comparison with that of major executive-branch agencies.

The state has the responsibility of funding the operations of the Supreme Court, the State Court Administrator's Office, circuit courts, clerks of court, court services programs, the out-of-home placement cost for juveniles, and training. State funding provides for personal services, which include salaries and benefits, for the employees in these operations. This cost for FY 1987 was 10 million dollars for 357 full-time, and 90 regular part-time employees.

The state also funded operating costs of 2.5 million dollars in fiscal year 1987. These operating costs include travel, contractual services, supplies and materials, and capital assets.

In addition to state funding, city and county governments are required by state law to pay for certain court related expenses.

The responsibility of the county in supporting its court operation includes jury fees, witness fees, and transcript costs and attorney fees for indigent defense. Also, counties are required to provide operational facilities for the circuit court, clerks of court, and court services. These facilities include office space, courtrooms, jury rooms, and other meeting rooms needed to support the courtroom activities. In addition, many counties maintain their own county law libraries, partially funded from a law library fee collected on each civil filing in the circuit court.

In FY 1987, the legislature required the counties to reimburse the state's general fund 15% of the total expenditures for the operation of the Unified Judicial System for the previous fiscal year. This reimbursement percentage was reduced to 10% beginning in July, 1987.

The total amount of the reimbursement is pro-rated to each county, based upon percentage of the state population that resides in the county. Credits are allowed to the county for the amount of space provided for the operation of the courts. Beginning in July, 1987, some counties

receive a credit for people living on land that is not subject to jurisdiction of the state.

Municipalities are generally required to provide funding to support activities that are necessary to enforce municipal ordinances and bylaws. This includes jury fees, witness fees, and transcript costs and attorney fees for indigent defendants, as all of these are applicable to city ordinance. Municipalities also provide facilities for some magistrates' courts. These facilities consist of office space, courtrooms, and other meeting rooms to support formal court activities. The legislature requires that the state general fund receive 35% of all fines, penalties and forfeitures collected for violation of municipal ordinances.

The State Court Administrator's office manages the fiscal operations of the Unified Judicial System. This includes assisting the Supreme Court in the preparation and submission of the annual consolidated budget request; the administration of the operating budget; and the management of the uniform accounting of all receipts and disbursements of funds for the circuit and magistrate courts. The definitions below apply to the categories of accounting information in Table 6.

DEFINITIONS OF RECEIPT CATEGORIES

City Fines: Fines Collected for violations of city ordinances of which 65% is paid into the city general fund. The remaining 35% is paid into the state general fund. This is the city's payment to the state for the services provided by the Unified Judicial System.

City Costs: Costs which are levied in conjunction with city fines. This is a reimbursement to the city for an identifiable amount spent by the city in prosecuting a case. These funds are paid into the city general fund.

City Forfeitures: Forfeitures of bonds which were posted because of a violation of a city ordinance. These funds are also paid into the city general fund (65%) and the state general fund (35%).

State Fines: Fines collected for violations of state laws. These are paid into the county treasury for eventual transfer to the school district of the county in which the violation occurred.

State Costs: Costs which are levied in conjunction with state fines. These represent an expense the county had in connection with a given case. This money is paid into the county general fund.

State Forfeitures: Bond money forfeited and retained for violations of state laws. This money is paid into the county general fund.

Cash Fees: Fees charged for the filing of various civil actions. This money is paid into the county general fund.

Law Library Fee: A fee of $1.00 or $3.00 charged in addition to the civil case filing fee. This money is used to support the county law library.

Liquidated costs: A $12.00 surcharge set by the state legislature to be assessed for all criminal cases. Ten dollars of this is to be used for training of law enforcement, corrections, and judicial personnel. Two dollars is used to provide partial reimbursement to counties for costs of counsel for indigent criminal defendants. The money is paid into the state treasury for distribution. In fiscal year 1988, the cost figure is increased to $15.00.

Court-Appointed Attorney Fee: A cost recovered from indigent defendants after conviction, used to reimburse the county general fund for payment of the defendant's court-appointed attorney. The money is paid to the county treasurer.

Petty Offense Fine: A fine of $20, specified by the legislature to be paid for violation of certain state laws designated as petty offenses. The money is handled the same as a state fine.

Restitution: Money collected by the court from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

Posted Bonds: Bond posted in conjunction with a criminal case. This money is either forfeited and used to pay subsequent fines and costs, or returned to the defendant.

Child Support: Payments collected by the clerk of court from one party in a divorce action for payment to the other party as financial support for the children involved.

Trust Fund: Money deposited with the clerk pending a decision regarding ownership. Also long-term bonds posted in criminal cases. Examples are Supreme Court appeal bonds or specific performance (peace) bonds.

Other: Collections that do not fit any of the foregoing categories.

CLERK OF COURT RECEIPTS AND DISBURSEMENTS
FISCAL YEAR 1987

	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	EIGHTH CIRCUIT
CASH RECEIPTS:								
CITY FINES	$82,192	$362,576	$98,158	$44,191	$134,223	$47,266	$204,524	$54,582
CITY COSTS RECOVERED	20	975	0	0	869	0	01	2,163
CITY FORFEITURES	50	2,184	6,395	3,298	23	50	245	0
STATE FINES	1,035,829	746,859	606,566	506,781	744,370	566,019	666,356	873,500
STATE COSTS RECOVERED	11,602	42,382	9,048	9,560	10.630	20,471	99,044	22,100
STATE FORFEITURES	4,090	35,214	1,448	2,207	5,623	7,268	23,811	24,328
CASH FEES	92,495	174,457	107,967	71,967	97,804	69,142	126,072	65,851
LAW LIBRARY FEE	7,274	16,018	9,334	6,005	8,005	5,661	11,492	5,731
SMALL CLAIMS POSTAGE	3,931	6,269	6,224	3,411	3,924	3,963	6,949	3,608
LIQUIDATED COSTS	240,814	380,874	176,025	158,859	205,892	152,058	244,298	150,763
COURT APPOINTED ATTORNEY FEES	17,978	12,645	28,476	14,638	20,354	23,834	9,749	11,751
PETTY OFFENSE FINES	240	762	585	280	960	820	3,540	0
RESTITUTION	91,982	192,476	120,369	55,684	87,257	56,060	184,907	36,150
POSTED BONDS	171,202	211,143	95,264	98,360	267,854	114,647	306,766	167,219
OTHER	52,664	11,141	111,861	21,667	55,245	35,917	107,675	2,296
CHILD SUPPORT	724,180	1,562,788	2,106,022	886,554	1,322,063	1,045,690	2,935,981	891,471
TRUST FUND	28,670	533,287	79,407	58,257	18,612	82,820	112,694	29,470
TOTAL RECEIPTS	**$2,565,213**	**$4,292,050**	**$3,562,672**	**$1,941,719**	**$2,983,706**	**$2,231,686**	**$5,044,204**	**$2,340,983**
CASH DISBURSEMENTS:								
REMITTED TO CITIES	$53,587	$238,068	$67,960	$30,900	$88,104	$30,755	$133,502	$37,672
REMITTED TO COUNTIES	1,169,593	1,033,767	$762,984	611,327	887,347	693,531	940,026	1,003,300
RESTITUTION	88,623	181,874	118,681	59,919	85,643	53,726	145,950	36,954
SMALL CLAIMS POSTAGE	3,931	0	6,224	3,474	3,924	3,961	6,968	3,608
POSTED BOND REFUND	160,834	219,722	98,730	84,808	261,235	123,058	309,807	183,865
CHANGE OF VENUE	900	672	343	350	391	364	84	28
OTHER	51,637	10,621	111,233	21,170	54,891	34,744	106,801	2,022
CHILD SUPPORT FORWARDED	724,180	1,562,788	2,106,022	886,554	1,322,063	1,045,690	2,935,981	891,471
TRUST FUND	74,117	408,847	48,818	55,136	21,491	79,623	8,984	71,113
REMITTED TO STATE	269,984	508,707	213,010	175,665	253,395	169,167	315,997	170,069
TOTAL DISBURSEMENTS	**$2,597,386**	**$4,165,066**	**$3,534,005**	**$1,929,312**	**$2,978,484**	**$2,234,619**	**$4,904,100**	**$2,400,10**

Table 6. Clerk of Court Receipts and Disbursements Fiscal Year 1987

CLERK OF COURT RECEIPTS COMPARED
FY 1983 TO FY 1987

RECEIPTS, TYPE:	FY 1983	FY 1984	FY 1985	FY 1986	FY 1987
City Fines					
	$1,345,676	$1,159,971	$1,215,440	$1,052,806	$1,027,712
City Costs Recovered	2,838	2,616	3,074	2,353	4,128
City Forfeitures	14,986	14,888	14,200	14,725	10,245
State Fines	4,826,746	5,615,310	5,963,562	5,029,424	5,746,280
State Costs Recovered	266,413	258,114	215,165	240,094	224,837
State Forfeitures	59,251	66,152	88,357	59,177	103,989
Cash Fees	616,762	793,144	824,266	829,429	805,278
Law Library Fee	69,650	69,032	71,420	73,359	9,518
Small Claims Postage	33,576	34,603	37,803	42,414	38,279
Liquidated Costs	1,244,454	1,384,830	1,490,788	1,556,996	1,709,583
Court Appointed					
Attorney Fee	137,367	128,360	130,268	137,170	139,425
Petty Offense Fines	2,562	5,747	6,560	10,133	7,187
Restitution	807,505	669,126	596,665	721,622	824,885
Posted Bonds	1,403,909	1,630,651	1,791,982	1,547,583	1,432,455
Other	341,466	514,517	863,238	501,159	398,466
Child Support	7,120,484	7,778,813	8,911,830	10,315,751	11,474,749
Trust Fund	497,232	1,231,511	1,124,234	543,622	943,217
TOTAL RECEIPTS	**$18,790,877**	**$21,357,385**	**$23,348,852**	**$22,677,817**	**$24,962,233**
DISBURSEMENTS, TYPE:					
Remitted to Cities	$1,363,588	$799,197	$803,296	$697,239	$680,548
Remitted to Counties	5,982,542	6,934,764	7,305,234	6,377,284	7,101,875
Restitution	799,762	684,309	587,820	731,825	771,370
Small Claims Postage	33,428	34,318	37,343	39,389	32,090
Posted Bond Refund	1,331,356	1,558,380	1,797,356	1,636,290	1,442,059
Miscellaneous Refund	1,689	2,971	2,135	2,401	3,141
Other	353,746	511,508	863,998	498,608	393,119
Child Support Forwarded	7,120,484	7,778,813	8,911,830	10,315,751	11,474,749
Trust Fund	479,892	1,049,772	886,125	735,550	768,129
Remitted to State	1,243,043	1,763,760	1,921,817	1,932,511	2,075,994
TOTAL DISBURSED	**$18,709,530**	**$21,117,792**	**$23,116,954**	**$22,966,848**	**24,743,074**

Table 7. Clerk of Court Receipts and Disbursements

Receipts

Chart 2, below, shows some of the types of receipts collected by the clerk of court offices throughout the state. Restitution is the amount of money required by the court to be paid to the victim of a crime by an offender. The collection, accounting, and disbursement of the restitution is the joint responsibility of the court services officer and the clerk of court. It represents one of the ways in which the court system assists the victim of the crime, in addition to the punishment of the criminal by fine or incarceration.

Chart 2 shows that restitution has gradually increased since 1985 and in 1987 reached the highest level in the five-year period shown.

The "fees" category represents the money paid by the public for services rendered by the court as a part of state government, such as providing transcripts of certain records in the court offices. Also, fees are collected for the filing--that is, at the beginning--of non-criminal court actions (small claims, probate, divorce, etc.). A statutory increase in these filing fees was put into effect at the beginning of fiscal year 1984.

Court-appointed defense attorney fees are paid, initially by the county or city, for accused persons who are unable to pay for a lawyer. The court assists in the collection of repayment of these attorney fees from the defendant, sometimes as a condition of probation. The amount of this repayment is shown in the chart below.

In addition to this direct repayment from the defendant, a certain portion of the costs collected on all criminal convictions is set aside and returned to the counties as a percentage of the total paid by the county for court appointed attorneys. This apportionment of costs is specified by SDCL 23-3-55 and is explained in some detail in the material following, under the title of "Fines and Costs." The details of repayment for court-appointed attorneys can be found on Tables 9 and 10, and the chart that precedes those.

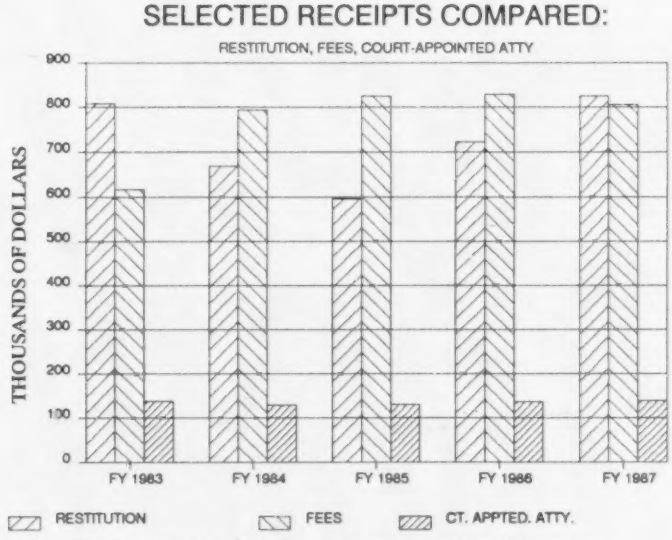


Chart 2. Restitution, Fees, Court Appointed Attorney

Fines and Costs

Chart 3, below, shows a comparison, by fiscal year, of fines and costs collected for criminal cases. State fines are those assessed for violations of state laws, and city fines are those amounts charged for violation of municipal ordinances.

State fines received are deposited for use by the school district of the county in which the violation occurred. City fines are divided, with 65% being returned to the city general fund, and 35% to the state general fund.

The liquidated costs figure is derived from the $12.00 added to the fines for conviction of state statutes, criminal offenses, and county or municipal traffic regulations (SDCL 23-3-52). The liquidated cost assessment was raised to $15.00 beginning in fiscal year 1988.

The increase in liquidated costs for the year is $152,587, which is almost a 10% rise from fiscal year 1986 (the increase from 1985 to 1986 was 4.4%). If total costs were collected this year on each case, this would mean there were 142,465 cases on which the costs were received, as compared with 129,750 in the previous year. The judges occasionally waive the liquidated cost assessment, or some portion of it, if there appears to be financial hardship involved.

The total disbursement of liquidated costs is divided three ways. The following is an approximate breakdown that may not correspond precisely to the actual expenditure amounts. Of the total $1,709,583, 25% ($427,396) is to be used for law enforcement training; approximately 58% ($991,558) for highway safety law enforcement training, the operation of the statewide drug enforcement unit, state law enforcement equipment, the state crime laboratory, the training of corrections personnel, the training of prosecutors, Unified Judicial System personnel, and other law enforcement and training purposes.

The remaining portion, about 17% ($290,629), is returned to the counties on a percentage basis for the payment of court-appointed attorneys representing low-income defendants accused of crimes. This is to be distributed annually by the state treasurer according to SDCL 23-3-55. See table 9 on page 26, for a county-by-county distribution of these funds.

State fine receipts during last year (fiscal year 1986) showed a sharp decrease. This was primarily the result of a reduction in the scheduled fines for statewide speeding offenses--a reduction brought about by legislative change. In fiscal year 1987, total state fines have returned to the earlier level.

Details of traffic violations and fines can be found in the table on page 45. Speeding violations, as shown in this table, are the most common of class-two misdemeanor traffic offenses, so the speeding fine reduction has had an impact.

Speeding fines for FY 1986 totalled $1,952,221, as compared to $2,567,242 for FY 1985. In FY 1987, however, the speeding fines increased to $2,400,915, for a rise of $448,694. The total number of speeding **arrests** increased during FY 1987 by 10,144, or about 13%.

The reinstatement of motor carrier (truck) log-book violations during FY 1987 also resulted in a substantial increase ($149,698) in state fines.

SELECTED RECEIPTS COMPARED:

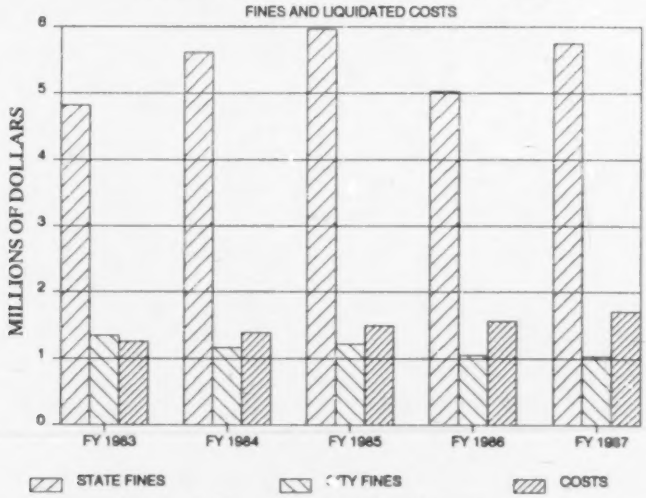


Chart 3. Fines and Liquidated Costs.

COMPARISON OF STATE FINES, BY COUNTY AND CIRCUIT: FROM FY 1983 TO FY 1987

COUNTIES	FY 1983	FY 1986	FY 1987	PERCENT CHANGE FY83-FY87
1ST CIRCUIT:				
Bon Homme	$24,092	$28,759	$45,455	88.7%
Charles Mix	64,420	65,650	95,333	48.0%
Clay	82,447	85,464	111,013	34.6%
Douglas	17,784	10,167	18,556	4.3%
Hutchinson	24,177	42,053	42,355	75.2%
Lincoln	79,797	70,434	96,858	21.4%
Turner	28,045	19,446	26,779	-4.5%
Union	370,040	328,051	372,973	0.8%
Yankton	184,093	188,894	226,507	23.0%
TOTAL	**$874,895**	**$838,918**	**$1,035,829**	**18.4%**
2ND CIRCUIT:				
Minnehaha	$422,868	$693,800	$746,859	76.6%
3RD CIRCUIT:				
Beadle	$150,703	$122,602	$133,270	-11.6%
Brookings	110,384	165,228	157,101	42.3%
Clark	15,407	31,446	32,036	107.9%
Codington	143,185	137,806	131,850	-7.9%
Deuel	48,625	36,984	38,350	-21.1%
Grant	49,099	26,459	29,512	-39.9%
Hamlin	26,463	27,66	23,607	-10.8%
Hand	38,515	23,623	32,139	-16.6%
Kingsbury	26,060	26,159	28,700	10.1%
TOTAL	$608,441	$597,968	$606,565	-0.3%
4TH CIRCUIT:				
Aurora	$62,398	$32,450	$39,573	-36.6%
Brule	70,260	37,413	51,855	-26.2%
Buffalo	2,737	1,408	1,702	-37.8%
Davison	154,437	118,725	138,912	-10.1%
Hanson	21,168	12,891	24,744	16.9%
Jerauld	29,632	21,875	22,904	-22.7%
Lake	39,196	45,538	66,283	69.1%
Mc Cook	42,739	35,401	43,807	2.5%
Miner	13,862	21,333	21,816	57.4%
Moody	40,316	71,947	81,333	101.7%
Sanborn	16,839	19,489	13,851	-17.7%
TOTAL	**$493,584**	**$418,470**	**$506,780**	**2.7%**

COUNTIES	FY 1983	FY 1986	FY 1987	PERCENT CHANGE FY83-FY87
5TH CIRCUIT:				
Brown	$216,943	$188,033	$237,631	9.5%
Campbell	10,583	8,234	9,399	-11.2%
Day	42,887	49,15 2	63,121	47.2%
Edmunds	40,266	36,749	38,977	-3.2%
Faulk	22,478	23,057	34,734	54.5%
Marshall	23,023	23,721	31,173	35.4%
Mc Pherson	4,957	5,986	10,549	12.8%
Roberts	89,012	130,616	160,098	79.9%
Spink	57,409	58,815	72,225	25.8%
Walworth	59,631	79,726	86,463	45.0%
TOTAL	**$567,189**	**$604,089**	**$744,370**	**31.2%**
6TH CIRCUIT:				
Bennett	$32,995	$29,983	$33,473	1.4%
Gregory	23,904	28,637	32,675	36.7%
Haakon	21,813	12,245	19,249	-11.8
Hughes	114,848	127,870	140,832	22.6
Hyde	8,840	8,599	12,487	41.3%
Jackson	74,482	30,534	67,129	-9.9%
Jones	24,976	9,837	25,303	1.3%
Lyman	64,883	39,116	59,997	-7.5%
Mellette	2,397	5,685	9,471	295.1%
Potter	21,423	18,400	19,052	-11.1%
Stanley	52,992	70,461	62,539	18.0%
Sully	10,995	9,500	16,065	46.1%
Tripp	71,977	74,721	67,747	-5.9%
TOTAL	**$526,525**	**$465,588**	**$566,019**	**7.5%**
7TH CIRCUIT:				
Custer	$68,928	$61,450	$72,268	4.8%
Fall River	72,779	74,142	61,815	-15.1%
Pennington	21,814	19,079	31,160	42.8%
Rapid City	408,594	435,002	501,114	-22.6%
TOTAL	**$572,115**	**$589,673**	**$666,357**	**16.5%**
8TH CIRCUIT:				
Butte	$72,934	69,557	$74,760	2.5%
Corson	7,290	18,150	23,453	221.7%
Dewey	11,284	12,378	9,305	-17.5%
Harding	41,331	49,252	22,235	-46.2%
Lawrence	216,680	267,720	282,413	30.3%
Meade	374,343	364,293	413,745	10.5%
Perkins	24,759	30,860	40,919	65.3%
Ziebach	12,512	8,714	6,670	-46.7%
TOTAL	**$761,133**	**$820,924**	**$873,500**	**14.8%**
STATE TOTALS	**$4,826,750**	**$5,029,430**	**$5,746,279**	**19.1%**

Table 8. State Fine Receipts Compared by County & Circuit

Comparison of State Fines by Circuit

In Table 8 (page 22) and in the circuit totals presented in Charts 4 and 5, total state fine receipts are compared. The tables compare fines between fiscal years 1985 and 1986, and between fiscal years 1986 and 1987.

Chart 4 demonstrates the decrease in fine revenues during FY 1986, when speeding fines were reduced, and certain truck violation fines were temporarily eliminated. Chart 5 shows the increases during FY 1987, and revenues being restored to the 1985 level in many circuits.

The comparison of state fines from FY 1983 to FY 1987 is demonstrated on Table 8, which shows the receipt comparison by county and judicial circuit. The percent change is also presented for the four year period.

The first circuit shows the highest total fine revenue for the year, but again in 1987, the combined state-fine total of Meade and Lawrence Counties exceed the totals of several of the judicial circuits in the state.

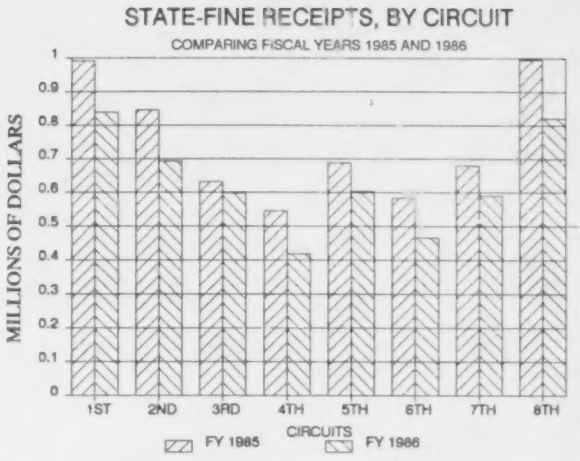


Chart 4. State Fine Receipts Compared Circuit FY85-FY86

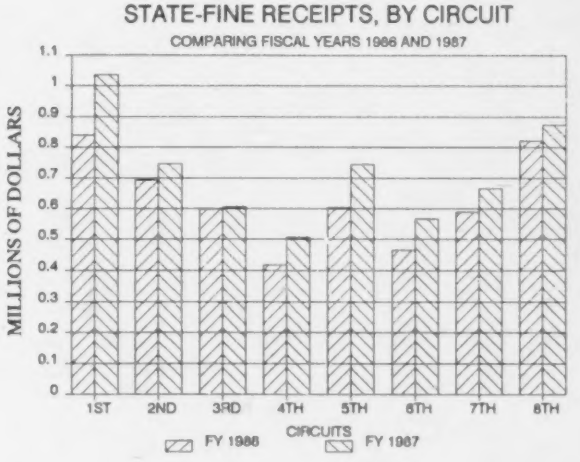


Chart 5. State Fine Receipts Compared Circuit FY86-FY87

Child Support

In chart 6, in addition to total receipts, the two categories that comprise the largest share of money handled by the courts are also presented. Of these two, child support payments are shown continuing the rising trend that has been evident for more than five years.

Child support payments, the largest single component of receipts processed by the clerks' offices, represents a significant service performed by the courts for the public. The clerks of court in these cases serve as bookkeeper and collection agency for the recipient parent, and ensure that the paying parent discharges the responsibility required by the courts.

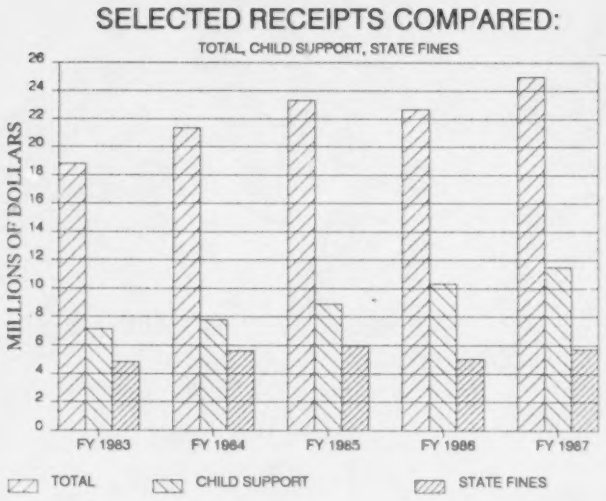


Chart 6. Total, Child Support, State Fines

Disbursements

Chart 7 shows funds disbursed by the clerks of court to the state and its political subdivisions. Funds remitted to the counties include state fine amounts returned for school districts in accordance with Article VIII, Section 3 of the South Dakota Constitution.

The decrease in disbursements to cities in the past two years is partly because city fines have declined, and partly because the court system has been remitting 35% of the city fine receipts directly to the state during that time. Prior to fiscal year 1984, the city was responsible for sending the state's portion of their receipts into the state general fund.

This change in accounting procedure is also part of the reason for the increase in state remittances shown from fiscal year 1983 to 1984. The other reason for the increase in disbursements to the state is that the liquidated costs (see the previous discussion on fines and costs) are also sent by the court system directly to the state treasurer.

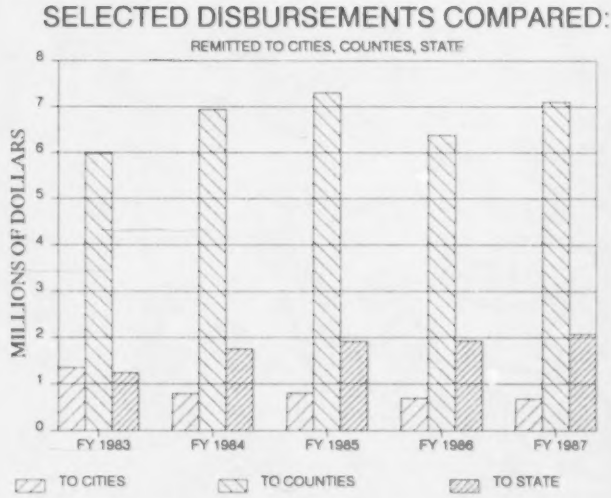


Chart 7. Selected Disbursements Compared

Court Appointed Attorney Costs

Table 9, page 26, shows costs and repayment for court-appointed attorneys and public defenders. Chart 8 is a graphic summary of the cost and repayment by circuit. Minnehaha (second circuit) and Pennington (seventh circuit) are the two counties that use their own public defender system. This means that the county pays a full-time legal staff to provide for the defense of economically disadvantaged persons accused of crime. Lawrence and Butte Counties (eighth circuit) also share a full-time public-defender office.

The data presented in these tables applies only to defense for felonies and class-one misdemeanors. Some counties, such as Lawrence and Butte, also occasionally employ court-appointed counsel in defense of class-two misdemeanant offenders.

In counties where there is no public defender system, judges or magistrates appoint local attorneys to defend indigent defendants. Repayment policies are the same for both types of county. Generally, the defendant, regardless of whether he is convicted, is expected to repay the cost of the court-appointed attorney. If repayment is not made, the county may file a lien against the defendant for the court-appointed attorney cost.

The data on Table 10, page 27, shows an approximate average cost to the county for each court-appointed attorney case. This is done by dividing the total payment for the fiscal year by the total number of court appointment cases.

Table 10 also shows the percent of total class-one misdemeanor and felony filings that result in court appointment of an attorney. The state average is that 33% (about one out of three) of such filings result in the appointment of an attorney at county expense. This percentage represents an 8% increase over the previous year.

State-wide, the cost of court appointed counsel has increased by $519,888 (nearly 30%) during the year. This type of cost is difficult to predict because it commonly depends on the number of serious criminal prosecutions that might develop in any county. The costs for the second circuit (Minnehaha County), for example, increased from FY 1986 to FY 1987 by $252,797 (81%), primarily as a result of the prosecution of three extensive criminal trials.

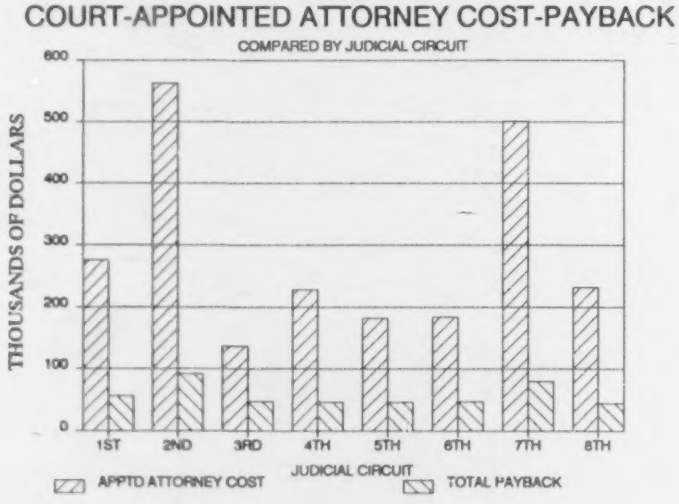


Chart 8. Court Appointed Attorney Repayment, By Circuit

COUNTY EXPENDITURES AND REPAYMENT FOR COURT APPOINTED ATTORNEYS AND PUBLIC DEFENDERS

COUNTIES	TOTAL PAYMENT BY COUNTY	ALLOCATION PER SDCL 23-3-55	PAYBACK FROM DEFENDANT	PERCENT REPAID TO COUNTY
First Circuit:				
Bon Homme	$4,053	$569	$0	14%
Charles Mix	57,825	8,119	1,521	17%
Clay	46,088	6,471	4,145	23%
Douglas	26,349	3,699	0	14%
Hutchinson	8,095	1,137	1,034	27%
Lincoln	13,768	1,933	3,838	42%
Turner	4,699	660	109	16%
Union	50,840	7,138	1,478	17%
Yankton	63,729	8,948	5,853	23%
Total	**$275,446**	**$38,674**	**$17,978**	**21%**
Second Circuit:	**$563,046**	**$79,053**	**$12,645**	**16%**
Third Circuit:				
Beadle	$55,251	$7,757	$5,106	23%
Brookings	21,233	2,981	4,659	36%
Clark	829	116	20	16%
Codington	44,769	6,286	13,207	44%
Deuel	4,630	650	2,468	67%
Grant	3,241	455	1,096	48%
Hamlin	1,381	194	230	31%
Hand	1,867	262	667	50%
Kingsbury	3,438	483	1,023	44%
Total	**$136,639**	**$19,184**	**$28,476**	**35%**
Fourth Circuit:				
Aurora	$7,599	$1,067	$733	24%
Brule	30,847	4,331	1,863	20%
Buffalo	540	76	0	14%
Davison	89,728	12,598	4,107	19%
Hanson	9,015	1,266	245	17%
Jerauld	3,122	438	1,856	73%
Lake	25,706	3,609	1,422	20%
Mc Cook	31,572	4,433	1,250	18%
Miner	2,465	346	573	37%
Moody	20,686	2,904	2,590	27%
Sanborn	6,404	899	0	14%
Total	**$227,684**	**$31,967**	**$14,639**	**20%**
State Totals:	**$2,301,692**	**$323,161**	**$139,423**	**20%**

COUNTIES	TOTAL PAYMENT BY COUNTY	ALLOCATION PER SDCL 23-3-55	PAYBACK FROM DEFENDANT	PERCENT REPAID TO COUNTY
Fifth Ciruit:				
Brown	$77,484	$10,879	$10,891	28%
Campbell	555	78	0	14%
Day	14,435	2,027	650	19%
Edmunds	5,244	736	416	22%
Faulk	1,428	200	1,627	128%
Marshall	7,431	1,043	245	17%
Mc Pherson	0	0	0	N/a
Roberts	23,350	3,278	2,152	23%
Spink	30,787	4,322	3,552	26%
Walworth	21,641	3,039	821	18%
Total	**$182,355**	**$25,602**	**$20,354**	**25%**
Sixth Circuit:				
Bennett	$5,626	$790	$762	28%
Gregory	16,300	2,289	3,069	33%
Haakon	6,945	975	0	14%
Hughes	63,314	8,890	10,064	30%
Hyde	260	37	426	178%
Jackson	23,068	3,239	364	16%
Jones	693	97	275	54%
Lyman	7,814	1,097	1,223	30%
Mellette	4,162	584	1,079	40%
Potter	4,427	621	556	27%
Stanley	18,101	2,541	3,896	36%
Sully	1,220	171	920	89%
Todd-Tripp	32,238	4,526	1,198	18%
Total	**$184,168**	**$25,857**	**$23,832**	**27%**
Seventh Circuit:				
Custer	$12,975	$1,822	$0	14%
Fall River	55,644	7,813	350	15%
Pennington	432,321	60,699	9,399	16%
Total	**$500,940**	**$70,334**	**$9,749**	**16%**
Eighth Circuit				
Butte	$38,745	$5,440	$1,072	17%
Corson	1,867	2,262	1,001	68%
Dewey	479	67	88	32%
Harding	3,308	464	188	20%
Lawrence	110,883	15,568	0	14%
Meade	59,558	8,362	7,864	27%
Perkins	16,574	2,327	1,537	23%
Ziebach	0	0	0	N\a
Total	**$231,414**	**$32,490**	**$11,750**	**19%**

Table 9. Repayment for Court Appointed Attorney &

Public Defender

COURT-APPOINTMENT CASES AND COSTS

PAYMENT	TOTAL PAYMENT BY COUNTY	APPOINT-MENT CASES	MISD. 1 AND FELONY FILINGS	AVERAGE PAYMENT / CASE	APPTMNT CASES AS % OF FILINGS
First Circuit:					
Bon Homme	$4,053	9	74	$450	12%
Charles Mix	57,825	81	265	714	31%
Clay	46,088	46	326	1,002	14%
Douglas	26,349	1	23	26,349	4%
Hutchinson	8,095	17	81	476	21%
Lincoln	13,768	31	191	444	16%
Turner	4,699	9	74	522	12%
Union	50,840	41	265	1,240	15%
Yankton	63,729	128	535	498	24%
Total	**$275,446**	**363**	**1834**	**$759**	**20%**
Second Circuit:	**$563,046**	**1821**	**4155**	**$309**	**44%**
Third Circuit:					
Beadle	$55,251	45	280	$1,228	16%
Brookings	21,233	46	479	462	10%
Clark	829	10	56	83	18%
Codington	44,769	105	406	426	26%
Deuel	4,630	18	81	257	22%
Grant	3,241	11	92	295	12%
Hamlin	1,381	4	38	345	11%
Hand	1,867	6	49	311	12%
Kingsbury	3,438	5	46	688	11%
Total	**$136,639**	**250**	**1527**	**$547**	**16%**
Fourth Circuit:					
Aurora	$7,599	10	36	$760	28%
Brule	30,847	70	178	441	39%
Buffalo	540	1	1	0	100%
Davison	89,728	111	422	808	26%
Hanson	9,015	11	25	820	44%
Jerauld	3,122	6	30	520	20%
Lake	25,706	58	221	443	26%
Mc Cook	31,572	20	107	1,579	19%
Miner	2,465	8	18	308	44%
Moody	20,686	38	151	544	25%
Sanborn	6,404	1	18	6,404	6%
Total	**$227,684**	**334**	**1207**	**$682**	**28%**
State Totals:	**$2,301,692**	**6064**	**18199**	**$380**	**33%**

	TOTAL PAYMENT BY COUNTY	APPOINT-MENT CASES	MISD. 1 AND FELONY FILINGS	AVERAGE PAYMENT / CASE	APPTMNT. CASE AS % OF FILINGS
Fifth Circuit:					
Brown	$77,484	174	855	$445	20%
Campbell	55	3	15	185	20%
Day	14,435	40	137	361	29%
Edmunds	5,244	9	52	583	17%
Faulk	1,428	5	47	286	11%
Marshall	7,431	17	94	437	18%
Mc Pherson	0	0	29	0	0%
Roberts	23,350	94	252	248	37%
Spink	30,787	31	112	993	28%
Walworth	21,641	44	188	492	23%
Total	**$182,355**	**417**	**1,781**	**$437**	**23%**
Sixth Circuit:					
Bennett	$5,626	72	298	$78	24%
Gregory	16,300	60	96	272	63%
Haakon	6,945	8	33	868	24%
Hughes	63,314	186	526	340	35%
Hyde	260	2	13	130	15%
Jackson	23,068	8	218	2,884	4%
Jones	693	2	19	347	11%
Lyman	7,814	30	89	260	34%
Mellette	4,162	31	81	134	38%
Potter	4,427	15	36	295	42%
Stanley	18,101	52	127	348	41%
Sully	1,220	1	19	0	5%
Todd-tripp	32,238	86	252	375	34%
Total	**$184,168**	**553**	**1,807**	**$333**	**31%**
Seventh Circuit:					
Custer	$12,975	38	151	$341	25%
Fall River	55,644	127	263	438	48%
Pennington	432,321	1808	3,722	239	49%
Total	**$500,940**	**1,973**	**4,136**	**$254**	**48%**
Eighth Circuit:					
Butte	$38,745	61	293	$635	21%
Corson	1,867	4	32	0	13%
Dewey	479	3	27	0	11%
Harding	3,308	6	15	551	40%
Lawrence	110,883	137	720	809	19%
Meade	59,558	130	495	458	26%
Perkins	16,574	12	161	1,381	7%
Ziebach	0	0	9	0	0%
Total	**$231,414**	**353**	**1,752**	**$656**	**20%**

Table 10. Average Cost per Court Appointment

MILEAGE BY CIRCUIT PERSONNEL FOR JUDICIAL FUNCTIONS FY 1987

MAGISTRATE	MILEAGE
First Circuit:	
Humphrey	11,989
Connelly	10,320
Tapken	7,625
Hertz	7,442
Cody	5,422
Kern	4,506
Marmet	4,478
Total	51,782
Second Circuit:	
Kean	1,595
Moan	1,394
Hegge	516
Lieberman	128
Total	3,633
Third Circuit:	
Mydland	12,904
Bradshaw	7,309
Brekke	6,984
Hoyt	7,118
Ries	4,441
Bingner	4,185
Martin	3,326
Turbak	320
Total	46,587
Fourth Circuit:	
Mc Murchie	10,137
Sage	6,633
Gerken	5,904
Miller	5,222
Tucker	4,091
Anderst	2,468
Kiner	1,642
Total	36,097

JUDGE OR MAGISTRATE	MILEAGE
Fifth Circuit:	
Gilbertson	16,252
Berndt	12,697
Dobberpuhl	12,943
Evans	10,358
Lovrien	6,429
Glynn	4,198
Olander	2,202
Total	65,079
Sixth Circuit:	
Mc Keever	10,840
Heck	10,562
Anderson	4,636
Talbott	5,924
Wendt	548
Total	32,510
Seventh Circuit:	
O'Connor	6,362
Davis	2,324
Tice	1,778
Grosshans	1,481
Young	687
Konenkamp	84
Total	12,716
Eighth Circuit:	
Tschetter	13,205
Moses	9,690
Johns	8,516
Severns	4,583
Johnson	4,472
Hoggatt	1,144
Total	41,610
State Total	290,014

Table 11. Travel Mileage by Judicial Personnel

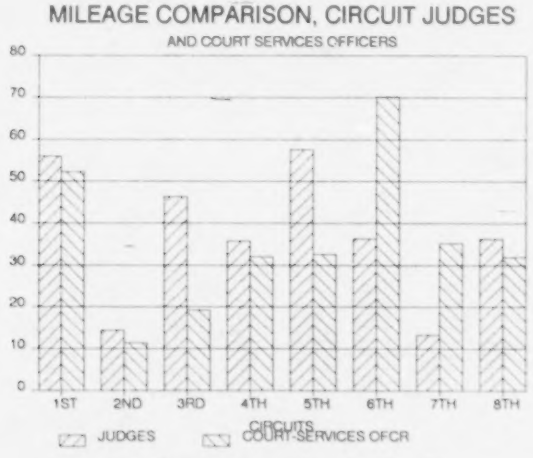


Chart 9. Mileage Comparison By Circuit

MILEAGE BY COURT SERVICES PERSONNEL FOR OFFICIAL FUNCTIONS

OFFICER	MILEAGE
First Circuit:	
Lehr	14,189
McCabe	13,316
Sondgeroth	7,590
Nelsen	3,690
Foltz	2,076
Hall	1,934
McNeely	1,410
Total	44,205
Second Circuit:	
Wildes	3,467
Murphy	1,580
Hurtgen	1,255
Weber	1,236
Kelso	1,220
Adler	1,127
Grove	1,125
Jaqua	776
Hanson	334
LeMair	333
Bahnson	162
Total	12,615
Third Circuit:	
Payne	5,732
Goldsmith	2,352
Mead	1,496
Danforth	2,989
Brenden	1,724
Kjellsen	1,330
Mielke	327
Total	15,950
Fourth Circuit:	
Janssen	4,309
Rager	3,902
Fraser	5,267
Johnson	5,492
Ibis	4,227
Adair	2,597
Total	25,794

OFFICER	MILEAGE
Fifth Circuit:	
Simons	14,681
King	10,624
Brumbaugh	7,606
Chase	2,533
Sutherland	184
Total	35,628
Sixth Circuit:	
Bonenberger	23,421
Bennett	16,729
Parkinson	11,553
Olson	7,335
Poeppel	8,668
McTighe	7,635
Total	75,341
Seventh Circuit:	
Nagel	8,874
Krosschell	6,748
Sprague	2,844
LaPointe	1,543
Spencer	967
Thompson	854
Jones	648
Fauss	572
Total	23,050
Eighth Circuit:	
Kent Hanson	13,128
Kristi Hanson	6,778
Vodopich	3,064
Meyer	2,802
Oehlerking	1,706
Total	27,478
State Total	260,061

Table 12. Travel Mileage By Court Services Personnel

Comparison of Court Services Activities by Fiscal Year

SERVICE CATEGORY	First Circuit		Second Circuit		Third Circuit		Fourth Circuit		Fifth Circuit		Sixth Circuit		Seventh Circuit		Eighth Circuit		State Totals	
	FY86	FY87	FY86	FY87	FY86	FY87	FY86	FY87	FY86	FY87	FY86	FY87	FY86	FY87	FY86	FY87	FY86	FY87
Juvenile Service:																		
Preliminary Investigations	201	240	1056	1214	257	309	3	1	0	0	13	8	0	0	0	1	1530	1773
90-Day Diversion Services	278	312	91	113	250	277	119	137	203	206	331	403	107	123	136	140	1515	1711
Prehearing Investigations	111	115	338	358	64	85	73	96	51	30	13	20	186	253	0	16	836	973
90-Day Informal Adjustments	13	14	26	22	3	12	1	1	4	3	5	4	4	10	0	0	56	66
Placed on Probation	143	121	187	242	154	198	69	95	149	95	70	85	169	264	98	100	1039	1300
On Probation at End of FY	156	128	142	167	100	64	42	47	124	155	44	61	138	176	91	82	837	880
FY's Alt. Care Placements	4	13	10	19	4	3	5	12	15	23	11	8	12	25	13	9	74	112
FY's Accumulated Alt. Care	9	18	37	41	6	8	22	20	21	5	31	27	29	43	20	21	175	213
Active Alternative Care Placements at End of FY	5	8	18	17	5	3	7	11	10	13	19	10	13	21	10	3	87	86
Family Foster Care Days	289	285	447	1250	114	798	1598	543	89	0	1875	1652	482	240	254	527	6148	5295
Group Care Days	2489	2223	7378	3880	1134	606	2329	2380	3133	4109	5467	2431	3293	2748	2652	221	27875	20591
Home-Based Serv. Referrals	0	0	0	0	0	0	0	0	0	0	0	0	11	16	0	0	11	16
Adult Service, Misdemeanor:																		
PSI Reports	79	109	51	43	14	12	62	76	2	7	22	24	1610	1888	3	8	1843	2167
Placed on Probation	70	93	46	46	168	148	45	34	77	154	23	11	114	116	50	51	593	653
Active Probationers, End FY	64	98	67	77	106	91	49	51	64	113	23	19	95	104	48	47	516	600
Adult Service, Felony:																		
PSI Reports	43	61	165	186	77	75	59	57	31	35	116	102	250	325	70	63	811	904
Placed on Probation	53	72	113	125	101	83	39	29	90	97	82	75	131	201	80	84	689	766
Active Probationers, End FY	132	147	220	266	129	98	76	55	171	200	123	139	193	242	147	140	1191	1287
90-Day Case Monitoring Program																		
Placed in Programs	62	70	9	38	656	529	139	153	71	91	192	183	1552	1930	4	3	2685	2997
Active Cases, End FY	6	16	1	0	131	109	19	23	17	11	30	20	315	392	0	0	519	571
Domestic Relations Cases:																		
Divorce Custody Investigations	7	10	4	0	0	0	0	3	0	0	0	3	0	0	0	0	11	16
Custody Visitation Monitoring	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Adoption Investigations	3	6	0	0	0	0	1	1	0	0	0	0	0	0	1	0	5	7
Divorce Custody Mediations	2	0	0	0	0	0	0	0	0	0	1	2	31	27	0	0	34	29

Table 13. Comparison of Court Services Activities by Fiscal Year

Case load Data

	CIVIL ACTIONS							DIVORCE				SMALL CLAIMS			MISCELLANEOUS					
Counties	Filings under $2,000	Admin. Other Filings	Appeals	Hearings	Court Trial	Jury Trial	Default	Filings	Hearings	Trial	Default	Filings	Trial	Default	Probate	Adoption	Mental Illness	Guardian Ships	Terminations	Juvenil Petitions
First Circuit:																				
Bon Homme	4	33	1	5	5	1	4	42	7	5	10	94	4	90	80	2	2	7	0	7
Charles Mix	61	10	0	2	4	1	44	25	11	1	16	205	14	182	60	4	5	15	0	64
Clay	34	77	0	0	2	2	87	42	5	0	32	267	31	254	63	12	3	13	0	33
Douglas	0	25	0	0	0	0	17	7	0	0	6	65	0	76	32	2	1	1	0	12
Hutchinson	18	57	0	9	1	2	31	13	3	0	6	145	14	131	81	4	4	3	0	9
Lincoln	40	98	5	28	4	0	88	42	5	13	45	195	22	168	102	10	1	12	0	36
Turner	16	64	1	4	9	0	47	20	2	12	13	139	19	128	77	8	0	7	0	6
Union	27	92	6	52	25	2	85	51	43	9	49	182	17	134	73	2	3	5	1	28
Yankton	46	164	6	41	37	4	64	82	39	15	55	669	46	494	101	9	227	18	2	58
Circuit Total	244	620	19	141	87	12	467	324	115	45	232	1961	167	1657	669	53	246	81	3	253
Second circuit	1948	13661	4	488	126	30	3107	731	302	93	548	3034	522	2594	571	77	139	122	35	923
Third Circuit:																				
Beadle	59	10	6	29	43	2	245	84	2	7	40	717	99	785	111	6	16	22	4	74
Brookings	72	207	8	10	27	5	306	102	23	3	88	946	124	764	117	13	6	15	3	123
Clark	9	25	1	7	3	0	33	15	5	4	8	105	14	90	50	1	0	5	0	5
Codington	71	245	4	54	9	3	435	85	17	11	173	788	101	640	108	12	14	41	5	130
Deuel	19	54	3	4	3	1	84	13	2	0	10	120	14	99	41	0	1	2	0	15
Grant	14	67	4	23	9	0	65	24	2	1	9	208	25	242	57	9	3		2	25
Hamlin	8	53	0	0	6	0	49	6	0	2	6	123	24	96	55	3	0		0	14
Hand	3	47	1	12	1	1	65	6	6	2	2	146	12	164	34	2	0	6	0	6
Kingsbury	16	67	0	5	4	1	101	9	0	0	14	152	5	108	66	3	6	7	0	25
Circuit Total	271	975	27	144	105	13	1383	344	57	30	350	3305	418	2988	639	49	46	111	14	417
Fourth Circuit:																				
Aurora	4	18	0	12	1	1	15	2	8	1	1	49	0	49	23	0	1	4	0	16
Brule	13	105	1	25	7	0	27	17	5	13	5	329	18	174	45	5	6	3	1	34
Buffalo	0	19	0	2	1	0	11	0	0	0	0	18	0	17	5	0	0	0	0	2
Davison	97	205	2	19	12	3	159	76	53	30	4	780	111	548	106	8	11	27	4	49
Hanson	13	0	0	0	0	0	0	10	0	0	0	24	1	0	17	0	0	0	0	0
Jerauld	14	16	0	0	0	0	28	5	0	0	5	40	0	36	38	6	2	0	0	9
Lake	31	72	0	8	2	0	46	42	11	22	2	175	40	274	76	7	2	10	2	23
Mc Cook	22	39	0	0	7	1	32	10	6	0	8	132	15	103	83	2	3	6	0	10
Miner	14	29	2	4	2	0	24	5	1	2	1	81	11	63	28	1	1	8	0	2
Moody	114	0	0	6	3	1	23	23	9	10	4	162	14	141	57	3	3	4	0	46
Sanborn	11	29	1	1	7	0	29	9	4	1	5	69	8	62	30	0	0	3	0	3
Circuit Total	333	532	6	77	42	6	394	199	97	79	35	1859	218	1467	508	32	29	65	7	194

Table 14. Civil Caseload by County Fiscal Year 1986

	CIVIL ACTIONS							DIVORCE			SMALL CLAIMS				MISCELLANEOUS					
Counties	Filings under $2,000	Admin. Other Filings	Appeals	Hearings	Court Trial	Jury Trial	Default	Filings	Hearings	Trial	Default	Filings	Trial	Default	Probate	Adoption	Mental Illness	Guardian Ships	Terminations	Juvenil Petitions
Fifth Circuit:																				
Brown	193	382	6	122	15	1	582	212	153	33	187	993	134	973	193	29	24	35	17	183
Campbell	3	19	0	0	0	0	29	2	2	0	9	49	5	45	12	0	0	1	0	2
Day	83	67	1	5	24	3	111	26	12	5	8	255	41	205	79	5	1	7	6	67
Edmunds	14	39	1	0	4	0	40	8	0	0	4	100	8	88	33	2	1	3	1	9
Faulk	0	23	0	4	0	0	27	9	10	0	0	36	4	33	22	0	0	0	0	4
Marshall	0	41	1	5	0	0	25	13	3	0	17	105	9	86	39	5	1	5	1	2
Mc Pherson	14	26	0	18	0	0	74	3	3	0	3	89	7	115	31	3	0	6	0	2
Roberts	67	72	2	8	3	0	101	26	1	2	25	147	11	131	94	6	0	10	0	96
Spink	47	98	4	32	44	0	91	29	21	4	12	128	27	99	139	3	0	47	2	21
Walworth	20	79	9	1	1	0	54	22	10	0	22	141	18	155	52	3	2	10	1	73
Circuit Total	441	846	24	195	91	4	1134	350	215	44	287	2043	264	1930	694	56	29	124	28	459
Sixth Circuit:																				
Bennett	16	41	3	4	0	0	24	13	1	2	10	179	9	161	14	2	1	1	0	36
Gregory	7	65	2	9	1	4	58	13	0	0	17	243	29	217	58	1	1	6	0	12
Haakon	11	21	2	10	1	0	22	8	2	0	0	143	7	108	21	4	3	0	0	18
Hughes	81	244	42	62	21	5	256	53	8	8	44	679	61	678	76	3	12	12	3	53
Hyde	21	14	0	0	0	1	34	4	0	0	4	42	1	38	15	3	1	0	0	0
Jackson	15	19	0	0	1	0	24	13	2	0	9	39	3	37	15	0	0	1	0	22
Jones	2	29	0	0	0	1	16	3	0	0	3	41	1	44	8	0	1	0	0	1
Lyman	27	86	17	11	5	0	27	10	13	5	5	117	8	114	25	3	2	4	0	8
Mellette	10	19	0	2	2	2	18	5	0	0	7	8	1	4	7	1	0	3	1	3
Potter	13	27	1	0	0	0	18	14	3	0	9	34	7	28	28	1	0	3	3	1
Stanley	12	64	1	13	2	2	67	12	6	1	9	172	29	157	13	2	0	1	2	3
Sully	5	28	0	0	0	0	17	4	0	0	3	41	2	37	13	0	0	1	0	0
Todd-Tripp	15	122	3	5	3	1	91	62	2	2	35	264	12	253	64	1	8	14	0	38
Circuit Total	235	779	71	116	36	16	672	214	37	18	155	2002	170	1876	357	21	29	46	9	195
Seventh Circuit:																				
Custer	38	65	1	2	4	2	72	38	3	1	141	199	26	145	31	2	1	10	0	27
Fall River	0	243	4	61	105	0	101	41	5	2	40	199	26	145	31	2	1	10	0	27
Pennington	421	1481	22	353	175	16	850	663	275	77	395	3065	622	2207	291	64	223	68	135	528
Circuit Total	235	779	71	116	36	16	672	214	37	18	496	3489	688	2588	401	69	233	94	137	586
Eighth Circuit:																				
Butte	69	126	6	0	3	1	199	45	0	0	38	222	9	179	58	5	6	5	0	32
Corson	43	20	2	4	1	0	51	2	1	0	0	28	2	23	20	1	0	3	0	1
Dewey	13	15	11	5	1	1	23	5	1	0	2	78	4	32	12	0	0	5	0	2
Harding	7	15	1	10	2	0	1	1	0	0	1	16	2	12	33	4	0	6	0	2
Lawrence	612	34	42	30	16	16	255	126	138	8	64	757	99	986	88	13	25	33	2	67
Meade	26	227	13	58	39	2	141	106	44	19	127	416	49	447	81	13	38	21	3	60
Perkins	12	41	3	3	1	0	34	14	2	0	13	131	11	99	51	5	0	1	1	7
Ziebach	6	7	1	1	2	0	2	3	0	0	1	8	0	7	8	0	0	2	0	0
Circuit Total	237	685	79	111	65	20	706	302	187	27	246	1656	176	1785	351	41	69	76	6	171
State Totals	4168	7592	267	1688	836	119	8886	3206	293	416	2329	19349	2623	16885	4190	398	820	719	239	3198

Table 14. Civil Caseload by County Fiscal Year 1986

Counties	CLASS TWO MISDEMEANOR					CLASS ONE MISDEMEANOR						FELONY					
	Petty Offense Filings	Filings	Guilty Pleas	Dismissals	Trials	Filings	Prelim. Hrgs.	Guilty Pleas	Dismissals	Trials Court	Trials Jury	Filings	Prelim. Hrgs.	Guilty Pleas	Dismissals	Trials Court	Trials Jury
First Circuit:																	
Bon Homme	2	925	850	25	4	63	8	60	2	2	0	11	4	5	3	0	1
Charles Mix	3	1423	1188	98	16	205	18	176	37	0	3	60	20	34	31	4	1
Clay	5	2491	2342	38	30	281	38	246	14	2	7	45	7	21	6	0	6
Douglas	0	433	417	16	3	23	1	23	2	0	0	0	0	0	0	0	0
Hutchinson	2	906	864	28	11	67	14	49	11	4	0	14	3	13	5	0	0
Lincoln	8	3365	3235	166	46	170	26	134	17	1	1	21	3	6	7	0	3
Turner	2	879	837	20	7	64	6	50	6	1	0	10	3	4	3	0	1
Union	13	5733	5387	65	8	219	34	190	28	1	2	46	6	20	18	0	0
Yankton	8	4066	3746	204	60	414	87	338	61	1	8	121	26	53	62	1	7
Circuit Total	43	20220	18866	660	185	1506	232	1266	178	12	21	328	72	156	135	5	19
Second Circuit:	290	38402	32441	4341	951	3140	463	2546	986	20	35	1015	173	505	490	5	28
Third Circuit:																	
Beadle	16	4497	4277	142	39	229	60	156	52	3	11	51	27	21	15	1	3
Brookings	14	3766	3399	144	46	418	59	373	26	1	3	61	21	37	27	1	0
Clark	6	605	566	25	0	42	2	20	17	1	0	14	3	2	17	0	0
Codington	35	4771	4534	142	45	321	92	270	57	1	3	85	48	56	25	1	1
Deuel	4	809	766	15	4	68	8	49	14	2	2	13	1	8	5	0	1
Grant	3	609	583	15	5	82	7	77	4	1	0	10	3	9	3	1	0
Hamlin	2	608	581	32	6	32	4	23	7	1	0	6	2	3	1	1	0
Hand	3	778	755	26	3	38	5	33	12	0	0	11	3	1	5	0	0
Kingsbury	4	651	615	25	0	42	13	35	6	0	1	4	1	4	1	0	0
Circuit Total	87	17094	16076	566	148	272	250	1036	195	10	20	255	109	141	99	5	5
Fourth Circuit:																	
Aurora	12	874	829	8	7	31	5	23	5	2	1	5	0	3	0	0	0
Brule	8	1349	1324	59	7	156	36	102	34	0	5	22	4	3	12	0	0
Buffalo	0	32	30	2	0	1	1	1	0	0	0	0	0	0	0	0	0
Davison	31	4027	3719	233	15	336	42	234	62	2	2	86	19	29	31	1	3
Hanson	0	693	693	5	4	23	24	21	6	0	5	2	0	0	1	0	0
Jerauld	8	422	397	1	0	30	5	28	2	0	0	0	0	1	3	0	0
Lake	13	1708	1577	97	30	190	71	155	26	1	2	31	17	17	15	0	1
Mc Cook	3	1049	994	26	19	83	20	71	12	3	0	24	8	12	6	0	1
Miner	9	590	530	11	2	18	5	18	1	0	0	0	0	0	0	0	0
Moody	7	2753	2655	92	18	122	41	88	21	5	2	29	5	7	7	0	1
Sanborn	0	381	372	9	3	15	4	7	4	0	2	3	0	0	1	0	1
Circuit Total	91	13878	13120	543	105	1005	254	748	173	13	19	202	53	72	76	1	7

Table 15. Criminal Caseload by County Fiscal Year 1987

	CLASS TWO MISDEMEANOR					CLASS ONE MISDEMEANOR						FELONY					
Counties	Petty Offense Filings	Filings	Guilty Pleas	Dismissals	Trials	Filings	Prelim. Hrgs.	Guilty Pleas	Dismissals	Trials Court	Trials Jury	Filings	Prelim. Hrgs.	Guilty Pleas	Dismissals	Trials Court	Trials Jury
Fifth Circuit:																	
Brown	49	9244	8339	514	36	695	59	567	136	2	2	160	38	98	58	2	2
Campbell	1	189	180	9	0	12	0	9	1	0	0	3	0	4	1	0	0
Day	3	1265	1242	67	1	105	11	98	11	2	2	32	6	23	11	0	1
Edmunds	3	826	802	16	0	38	1	40	6	0	1	14	0	7	2	0	0
Faulk	1	855	830	6	5	43	1	34	2	0	0	4	0	2	3	0	0
Marshall	2	493	423	42	4	83	8	86	5	0	0	11	2	6	6	0	0
Mc Pherson	0	216	188	5	0	28	2	22	0	0	0	1	0	0	3	0	0
Roberts	1	2223	2110	80	3	184	16	154	36	0	1	68	17	31	23	3	1
Spink	10	1825	1765	41	10	91	24	90	7	0	3	21	5	15	5	0	2
Walworth	6	1626	1561	70	3	160	10	160	14	0	1	28	7	15	11	0	0
Circuit Total	76	18762	17440	850	62	439	132	1260	218	4	10	342	75	201	123	5	6
Sixth Circuit:																	
Bennett	5	1084	890	47	3	224	8	69	17	1	1	74	5	9	7	0	1
Gregory	2	505	470	18	2	79	15	66	37	1	0	17	2	7	7	0	0
Haakon	1	376	354	7	1	26	4	27	0	0	1	7	2	6	0	0	0
Hughes	3	3182	2718	266	126	444	143	395	46	5	4	82	37	55	20	0	3
Hyde	1	281	283	5	0	12	1	10	2	0	0	1	0	2	1	0	0
Jackson	1	1959	1787	57	3	193	6	66	15	3	2	25	3	1	5	1	0
Jones	14	726	658	4	2	15	4	7	5	0	1	4	1	2	1	0	0
Lyman	1	1687	1518	86	0	77	16	59	12	1	1	12	6	4	5	0	1
Mellette	0	183	144	6	4	76	28	46	2	0	1	5	4	0	1	0	0
Potter	0	502	464	9	1	33	4	25	0	1	2	3	1	1	2	0	1
Stanley	5	1408	1340	46	16	109	25	101	9	0	0	18	7	11	4	0	0
Sully	2	362	355	4	1	18	5	16	1	0	0	1	1	1	1	0	0
Todd-Tripp	7	1321	1266	78	8	191	71	129	42	0	9	61	24	19	35	1	3
Circuit Total	42	13576	12247	633	167	1497	330	1016	188	12	22	310	93	118	89	2	9
Seventh Circuit:																	
Custer	12	1097	972	39	17	132	32	110	27	2	3	19	4	11	7	0	0
Fall River	4	1437	1210	189	11	197	42	176	31	1	4	66	18	20	29	4	1
Pennington	574	20623	17298	4144	332	2683	1001	1908	798	2	36	1039	299	286	181	5	54
Circuit Total	590	23157	19480	4372	360	3012	1075	2194	856	5	43	1124	321	317	217	9	55
Eighth Circuit:																	
Butte	5	1039	964	47	8	237	23	164	76	0	1	56	9	13	24	0	3
Corson	1	494	481	3	1	22	2	20	1	0	0	10	2	5	1	0	0
Dewey	0	158	155	1	0	25	3	18	3	0	0	2	1	1	1	0	0
Harding	0	386	386	14	0	14	4	11	9	0	0	1	0	0	0	0	0
Lawrence	36	3878	3802	227	28	591	9	509	86	7	3	129	1	57	39	1	7
Meade	75	5744	5261	333	30	386	48	324	52	8	4	109	23	68	25	1	0
Perkins	2	635	602	15	6	138	10	57	6	2	0	23	4	7	3	0	1
Ziebach	1	201	193	6	0	8	1	5	3	0	0	1	0	0	4	0	0
Circuit Total	120	12535	11844	646	73	1421	100	1108	236	17	8	331	40	151	97	2	11
State Totals	1339	157624	141514	12611	2051	14292	2836	11174	3030	93	178	3907	936	1661	1326	34	140

Table 15. Criminal Caseload by County Fiscal Year 1987

CIVIL FILINGS AND DISPOSITIONS BY FISCAL YEAR

CIVIL ACTION CATEGORY	FY 1983	FY 1984	FY 1985	FY 1986	FY 1987
CIVIL Filings	**11,100**	**10,686**	**11,511**	**11,785**	**12,027**
Defaults	7,188	7,927	8,070	8,329	8,886
Trials & Disp. Hearings	1,726	1,843	1,826	1,890	2,643
DIVORCE Filings	**3,208**	**3,216**	**3,241**	**3,340**	**3,206**
Defaults	2,608	2,369	2,707	2,553	2,329
Contested Trials and Hearings*	1,134	1,138	1,314	1,275	1,709
Granted (Calendar Year)	2,556	2,498	2,566	2,584	N/A
SMALL CLAIMS Filings	**18,942**	**19,259**	**19,961**	**21,814**	**19,349**
Defaults	15,763	16,152	16,897	18,596	16,885
Contested	2,275	2,288	2,590	2,862	2,623
MISCELLANEOUS Filings	**7,683**	**7,640**	**7,945**	**8,037**	**9,325**
Probate	3,986	4,192	3,999	4,022	4,190
Adoption	523	437	419	419	398
Mental Illness	578	494	520	474	820
Guardianship	605	626	665	656	719
Juvenile Petitions	1,991	1,891	2,342	2,466	3,198

* May include related hearings (child support, property, etc.).

Under DIVORCE filings, the number of divorces and separations granted is provided by the Office of Vital Statistics, where the data are compiled on a calendar year basis.

Table 16. Civil Caseload Summary

Civil Caseload

Table 16, above, shows the caseload comparison for the various types of civil (that is, all non-criminal) cases during the past five fiscal years. In the first three major categories (civil contests, divorces, and small claims), filings and dispositions are reported and shown. In the miscellaneous categories, only filings are reported.

The juvenile petitions reported under the miscellaneous heading are those that are filed and compiled through the clerks offices. There is, in addition to this, a separate computerized reporting system for juvenile filings which is processed through the court services offices.

Defaults include cases settled or dismissed without a disposition hearing. If there is a hearing, the case is reported as a civil contest.

Chart 10, which illustrates all civil filings, shows that the total number of such filings decreased during the past fiscal year. Miscellaneous filings and civil adversary actions increased during the period, but these were offset by the decrease in small claims and divorce actions.

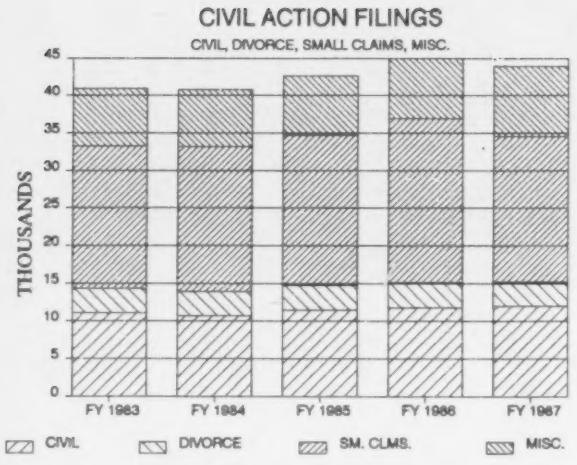


Chart 10. Civil Actions, Divorce, Small Claims, Misc.

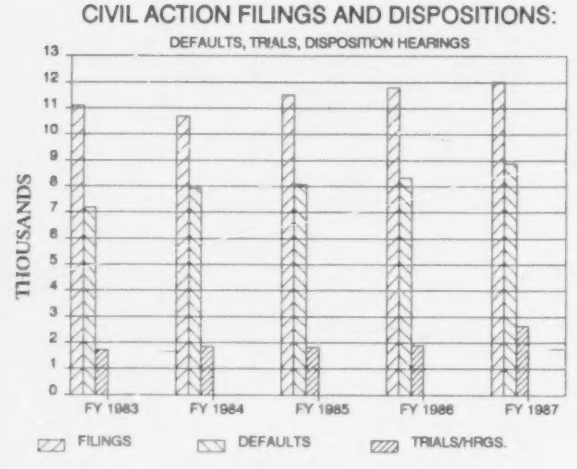


Chart 11. Civil Action Filings and Dispositions

Civil Actions

The number of civil lawsuit filings and default dispositions, as shown in Chart 11, have increased steadily during each of the past three fiscal years. This increase, as well as this year's substantial increase in "trials and hearings" dispositions (an increase of over 40% in each category) are apparently an indirect result of a troubled economy.

After fiscal year 1983, trials and dispositional hearings are reported separately. They are combined here in order to make them comparable with previous years.

The number of small claims filings (as distiguished from general civil contests, above) is shown in Chart 12. After five years of gradual increases in all categories of small claims actions, the data for fiscal year 1987 shows a decrease of over 11%. This drop is apparently caused by the change in policy of collection agencies, which are using the small claims process less and the formal civil court more.

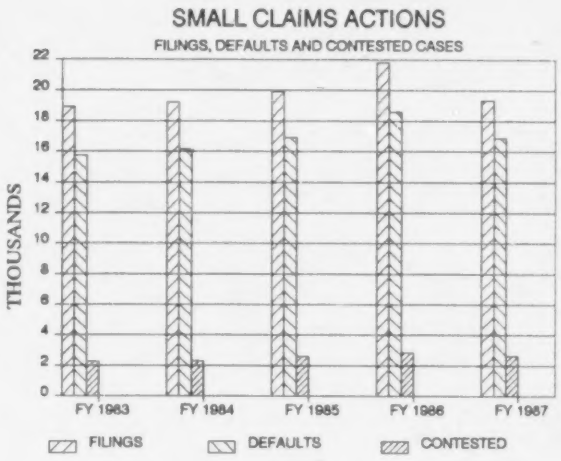


Chart 12. Small Claims Actions

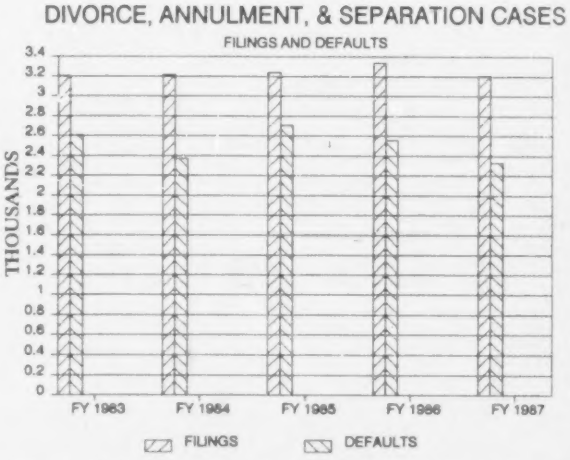


Chart 13. Marriage Dissolution Filings and Defaults

Filings and defaults in divorce, annulment, and separation cases, which have declined in FY 1987 after several years of gradual increase, are shown in Chart 13. These are not included in the number of general civil contests shown in Chart 11. These data include hearings on requests to modify child custody, which are reported as new filings if there has been no related divorce case previously filed.

CRIMINAL CASELOAD SUMMARY

CATEGORY	FY 1983	FY 1984	FY 1985	FY 1986	FY 1987
CLASS-TWO MISDEMEANOR					
Filings	122,364	130,520	141,024	146,635	157,624
Guilty Pleas	108,520	114,158	123,036	130,764	141,514
Dismissals	11,523	11,967	13,720	9,866	12,611
Trials	2,167	1,439	1,631	2,144	2,051
Suspended Impositions	380	318	331	510	530
Speeding Offenses	56,370	61,243	68,470	77,746	87,890
CLASS-ONE MISDEMEANOR					
Filings	12,897	15,192	14,821	14,392	14,292
Preliminary Hearings	1,634	2,553	2,455	3,168	2,836
Guilty Pleas	9,943	11,469	11,250	10,370	11,174
Dismissals	1,572	1,936	2,266	3,152	3,030
Trials	234	310	220	269	271
Suspended Impositions	802	848	581	656	698
DUI Offenses	8,076	10,081	9,054	8,907	9,598
FELONY					
Filings	2,741	2,606	3,088	3,673	3,907
Preliminary Hearings	793	704	853	1,027	1,287
Guilty Pleas	1,635	1,072	1,168	1,211	1,661
Dismissals	1,038	961	1,208	1,390	1,326
Trials	152	160	154	162	174
Suspended Impositions	404	387	422	452	499

Prior to 1986, felony filings did not include unterminated cases.

Table 17. Criminal Caseload Summary

Criminal Caseload

Table 17 shows filings, and the most common dispositions, of criminal cases during the past five fiscal years. petty offenses, which are technically civil cases, are included in the main category of class-two misdemeanor filings. Speeding violations (filings) are shown separately, but are also included in all the preceding totals for class-two misdemeanors. Speeding violations comprise over half of these.

Class-two misdemeanors include most traffic offenses. Other (non-traffic) offenses in this category include disorderly conduct, certain drug possession charges, and bad check offenses involving $100 or less. A summary of traffic offenses and fines is presented in the table on page 45.

In the same manner as speeding offense statistics, the numbers of DUI filings shown in the table above are included in the filing and dispositional information for class-one misdemeanors. DUI violations here include both first and second time offenders as charged by the state's attorney. The third offense DUI is a felony. (Table 17 contains complete DUI data).

Selected information from the table above, comparing data for the period of five fiscal years, is shown on the following charts.

Felony Cases

The felony caseload summary in Chart 14 shows a significant increase in felony filings from FY 1984 to FY 1987. However, other calculations (not shown here) demonstrate that almost all of the increase over the past two years occurs in Minnehaha and Pennington Counties.

In Pennington county, where there is still a separate magistrate court, over 400 (about 40%) of their FY 1987 filings are duplicated as they are processed from the magistrate court to the circuit court. FY 1986 and 1987 are the first years that these duplicated felony filings have been added to the total.

In Minnehaha county and others, it is not an uncommon practice for the prosecutor to dismiss a case early in the process, then reopen the same case through a grand jury

hearing. This procedure, which seems to be growing in popularity among state's attorneys, also inflates the felony filing numbers slightly.

Regardless of the increase shown in filings as a result of these peculiarities, there still seems to be a real increase in felony caseload, primarily in the two largest population centers in the state.

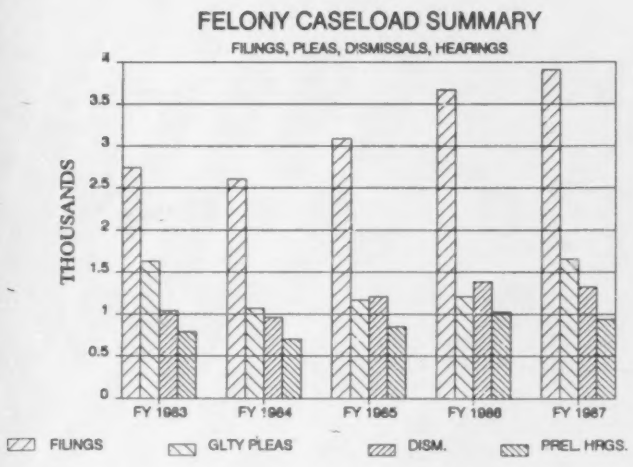


Chart 14. Felony Caseload

Filings in Sioux Falls (Minnehaha County) increased by 35% over the two year period, while guilty pleas rose by 180% and dismissals by 88%. This is in part the result of an improvement in the efficiency of case handling in the second circuit, in response to the Supreme Court's requirement of 180 day time limit on prosecutions.

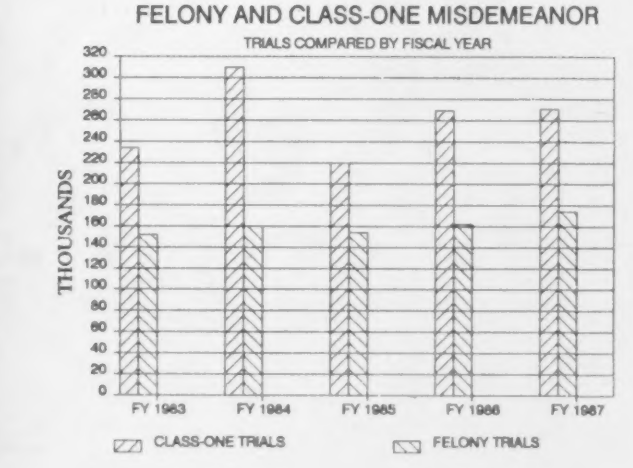


Chart 15. Felony and Class-One Misdemeanor Trails

In Pennington County (Rapid City), also, the felony caseload shows a remarkable rise during the same two year period. Preliminary hearings increased by 55%, and guilty pleas by 83%. At the same time, dismissals decreased by 27%.

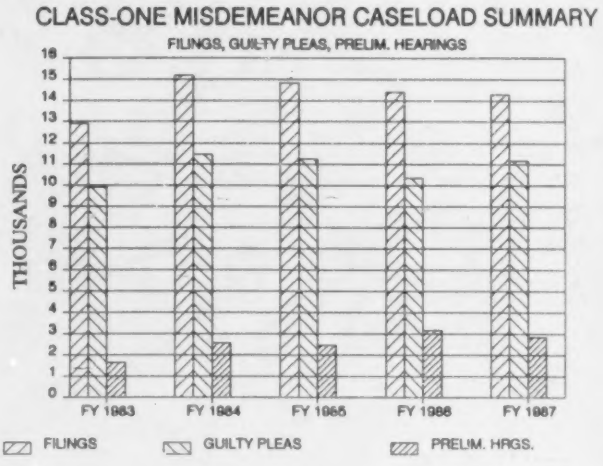


Chart 16. Class-One Misdemeanor Caseload

State-wide, felony guilty pleas during the two year period from 1985 to 1987 rose 42%. Preliminary hearings and dismissals increased by about 10%.

Some of the dismissals in both felony and class-one misdemeanor cases may be, in part, a reflection of the number of plea bargains negotiated by prosecuting attorneys. In these cases, the prosecutor may dismiss one charge, if he feels that there is a low probability of conviction, and accept a guilty plea to a lesser charge.

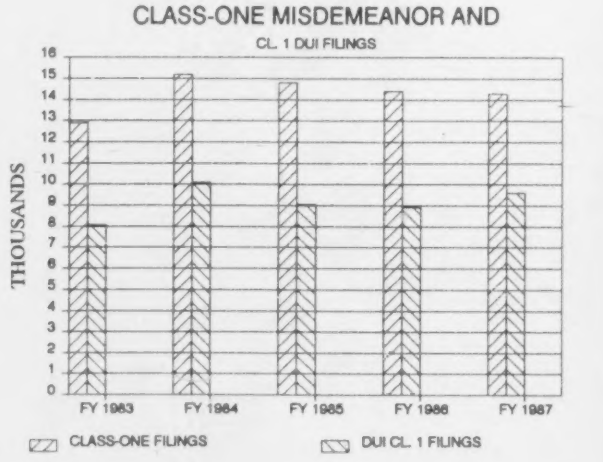


Chart 17. Class-One Misdemeanor and DUI Filings

The comparison of trials for felony and class-one misdemeanor cases shown in Chart 15 indicates that the class-one trials remain stable for FY 1986 and FY 1987, while felony trials are showing a gradual increase after several years of relative stability.

Chart 16 shows the decrease in filings, and a slight increase in guilty pleas, for class-one misdemeanors during FY 1987. Among other dispositions, suspended impositions of sentence are higher, and dismissals are lower, than the previous year.

In chart 17 the numbers indicate that DUI class-one filings have risen during the past fiscal year, while the number of overall class-one misdemeanor actions has dropped. The increase in DUI filings reverses the pattern of decline that was evident during the three years from FY 1984 to FY 1986.

DUI VIOLATIONS SUMMARY

	FY 1983	FY 1984	FY 1985	FY 1986	FY 1987
FILINGS					
DUI One	7265	9035	7874	7475	7971
DUI Two	811	1046	1180	1432	1627
DUI Three	184	228	318	491	632
TOTAL	8260	10309	9372	9398	10230
GUILTY PLEAS					
DUI One	5417	6606	5510	4832	5268
DUI Two	589	789	806	845	927
DUI Three	77	110	147	167	206
TOTAL	6083	7505	6463	5844	6401
DISMISSALS					
DUI One	1072	1354	1666	1809	1383
DUI Two	181	207	307	470	292
DUI Three	62	65	87	178	95
TOTAL	1315	1626	2060	2457	1770
SUSPENDED IMPOSITION					
DUI One	551	707	404	430	430
DUI Two	10	3	16	31	48
DUI Three	27	32	48	54	46
TOTAL	588	742	468	515	524
CONVICTIONS AT TRIAL					
DUI One	142	167	128	147	117
DUI Two	19	25	20	24	47
DUI Three	3	9	14	15	25
TOTAL	164	201	162	186	189
ACQUITTALS AT TRIAL					
DUI One	40	66	47	40	52
DUI Two	6	5	9	8	14
DUI Three	1	1	6	6	17
TOTAL	47	72	62	54	83

Table 18. DUI Violations Summary

DUI Caseload

The majority of class-one misdemeanor cases are violations of SDCL chapter 32-23, referred to as DUI (driving under the influence). Those filings, and the most common dispositions of those filings, for fiscal year 1983 through 1987, are shown on Table 18. Selected segments of the data on that table are shown in the comparative bar charts that follow.

Examination of the information in Table 18 shows that first-offense DUI (DUI-One) filings, guilty pleas, and acquittals-at-trial have increased during this fiscal year, while the other dispositions for this category of offense have decreased.

For second offense (DUI-Two) prosecutions, all disposition categories show an increase with the exception of dismissals, which show a substantial (38%) decrease.

In the table, data for DUI-Three volations, which are felony offenses, show some significant changes that are not clearly discernible in the charts. Filings of DUI-Three, for example, have increased in FY 1987 by 28%; and guilty pleas by 23%. Trial convictions and acquittals have also increased substantially, while dismissals have declined by 47%.

Chart 18 presents a graphic summary of total DUI offenses for FY 1983 through FY 1987. In the graphics, filings and guilty pleas show a noticeable rise, and dismissals a sudden drop after a five-year pattern of increase.

Some DUI dismissals are the result of the defendant pleading guilty to a lesser charge (commonly reckless driving, which is also a class-one misdemeanor). This happens if the prosecutor believes that the state's evidence is not adequate for a DUI conviction and he is willing to negotiate for the defendant's guilty plea to a charge of reckless driving. Conviction for more than one reckless driving violation within a one year period will result in suspension of the violator's driving license for a minimum of thirty days.

Chart 19 shows a comparison of the remaining dispositions from Table 18, which are suspended impositions of sentence and trial results, for all DUI offenses. The chart shows suspended impositions of sentence, discussed in some detail on page 43, rising very slightly during the year. Also, trial acquittals are at a five year high.

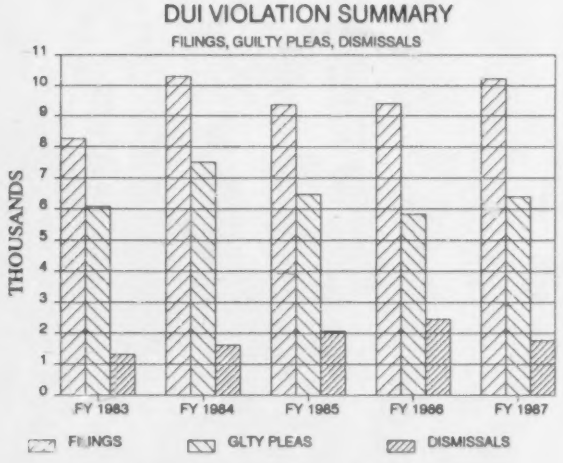


Chart 18. Filings, Guilty Pleas, and Dismissals

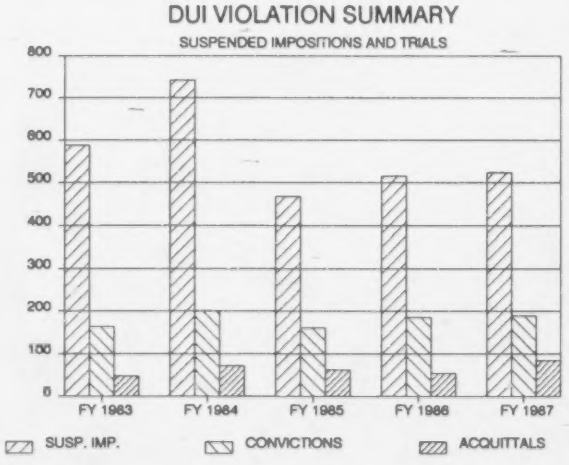


Chart 19. Suspended Impositions of Sentence and Trials

DUI DISPOSITIONS BY COUNTY AND CIRCUIT

	TOTAL	GUILTY PLEAS	DISMISSALS	TRIALS ACQUITTALS	TRIALS CONVICTIONS	SUSPENDED IMPOSITIONS OF SENTENCE
First Circuit:						
Bon Homme	40	35	3	1	1	0
Charles Mix	138	103	30	1	1	0
Clay	193	135	30	2	4	17
Douglas	14	14	0	0	0	0
Hutchinson	31	19	10	0	1	1
Lincoln	101	56	11	2	1	24
Turner	41	18	16	0	0	6
Union	184	112	56	1	0	11
Yankton	317	186	94	7	5	7
Total	1059	678	250	14	13	66
Second Circuit:	2652	1429	961	16	27	81
Third Circuit:						
Beadle	147	98	33	2	10	0
Brookings	254	244	6	0	4	0
Clark	18	8	8	0	0	0
Codington	206	166	33	0	2	4
Deuel	33	28	4	1	0	0
Grant	58	50	5	0	1	0
Hamlin	21	16	5	0	0	0
Hand	21	14	5	0	1	0
Kingsbury	23	17	5	1	0	0
Total	781	641	104	4	18	4
Fourth Circuit:						
Aurora	18	13	4	1	0	0
Brule	82	57	20	3	1	0
Buffalo	0	0	0	0	0	0
Davison	155	125	18	1	7	4
Hanson	16	9	4	2	1	0
Jerauld	21	16	5	0	0	0
Lake	15	91	15	0	1	2
Mc Cook	49	32	9	0	3	5
Miner	20	16	4	0	0	0
Moody	69	45	20	0	2	1
Sanborn	9	3	1	2	0	0
Total	554	407	100	9	15	12
Fifth Circuit:						
Brown	363	252	100	1	2	6
Campbell	11	2	8	0	0	1
Day	82	78	1	0	2	1
Edmunds	31	26	2	1	0	1
Faulk	26	17	9	0	0	0
Marshall	70	65	2	0	1	2
Mc Pherson	15	10	5	0	0	0
Roberts	118	110	7	0	0	0
Spink	63	48	5	2	1	0
Walworth	143	118	17	0	1	5
Total	922	726	156	4	7	16
Sixth Circuit:						
Bennett	93	48	36	0	2	0
Gregory	58	32	24	0	2	0
Haakon	20	18	0	1	0	1
Hughes	290	209	69	2	4	0
Hyde	11	7	4	0	0	0
Jackson	60	48	8	0	3	1
Jones	10	5	3	0	1	0
Lyman	43	38	5	0	0	0
Mellette	47	43	1	0	2	1
Potter	22	17	4	0	0	0
Sully	10	6	4	0	0	0
Stanley	74	42	31	0	1	0
Todd	6	1	4	1	0	0
Tripp	139	86	47	1	4	0
Total	883	600	240	5	19	3
Seventh Circuit:						
Custer	103	58	27	2	2	11
Fall River	160	105	27	1	2	14
Pennington	110	50	18	8	17	9
Rapid City*	1881	996	556	12	52	107
Total	2254	1209	628	23	73	141
Eighth Circuit:						
Butte	204	106	64	1	4	29
Corson	18	12	3	0	0	3
Dewey	17	11	2	0	0	4
Harding	17	4	10	0	0	3
Lawrence	484	293	62	2	7	116
Meade	338	244	46	4	5	38
Perkins	52	40	2	1	1	8
Ziebach	1	1	0	0	0	0
Total	1131	711	189	8	17	201

Table 19. DUI Filings and Dispositions by County

Table 19 contains DUI filings and dispositions for Fiscal Year 1987, by county and circuit. Increases are reflected in the totals for filings and guilty pleas in every judicial circuit except the third.

Suspended Impositions

After a defendant's first conviction, either by guilty plea or at trial, the judge may decide to suspend the imposition of sentence according to SDCL 23A-27-13 and -14. These laws permit the judge, if he decides that it is in the interest of justice and the good of the community, to require the defendant to fulfill certain conditions, including the possibility of both a fine and jailtime, after which the defendant is discharged and the court orders that his record be sealed.

According to SDCL 23A-27-17, "the effect of such order is to restore such person, in the contemplation of the law, to the status he occupied before his arrest. . . ." For all practical purposes, the sealing of the record means it is as though the defendant was never convicted, with one exception. According to SDCL 23A-27-16, a record is kept by the State Division of Criminal Investigation "solely for use by law enforcement agencies, prosecuting attorneys, and courts in sentencing such person for subsequent offenses."

The suspended imposition of sentence is provided to help those citizens who have been convicted of their first crime, but are sufficiently law-abiding and responsible, in the judgment of the court, that they should be reinstated fully after a reasonable punishment. According to SDCL 23A-27-14, the procedure involved in the suspended imposition of sentence "may occur only once with respect to any person."

The indicators on chart 20 show that there has been an increase in the number of suspended impositions of sentence rendered for all three classes of criminal offense during this fiscal year.

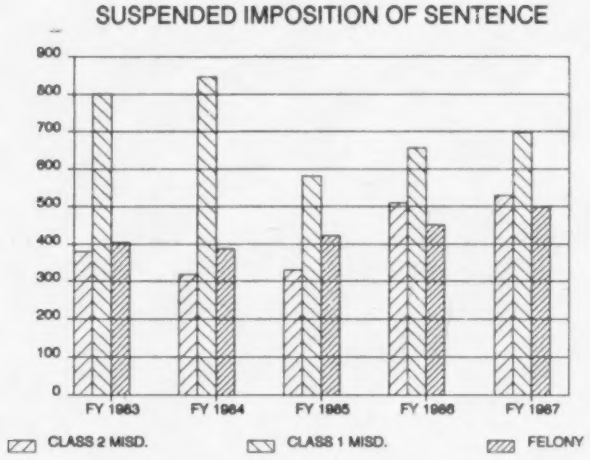


Chart 20. Suspended Imposition of Sentence

Class-Two Misdemeanors

Chart 21 shows that the number of class-two misdemeanor filings has been increasing steadily during the past several years, while Chart 22 shows that dismissals of class-two violations rose again after a substantial drop in FY 1986. The number of trials declined slightly.

Class-two misdemeanor dismissals probably reflect the removal from active records, as authorized by Supreme Court Rule, of those traffic cases in which the defendant failed to appear or pay the fine after a period of six months.

In these cases, the defendant's driver's license is suspended by the Department of Driver Improvement and the case is removed from active court files. In order to have his license reinstated, the defendant must first have the court issue an order to reinstate the license. Then, he must pay a substantial cash penalty to the Department of Commerce and Regulation. The defendant also faces the possibility of an additional criminal charge for his failure to appear in court on the original violation.

Table 20 lists class-two misdemeanor traffic violations for the fiscal year. The offenses shown in the detailed list include those with fifty arrests or more. Those showing an SDCL prefix of 99 are municipal violations.

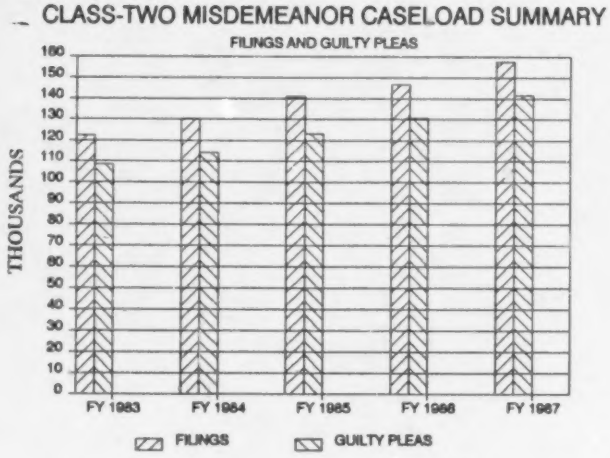


Chart 21. Filings and Guilty Pleas

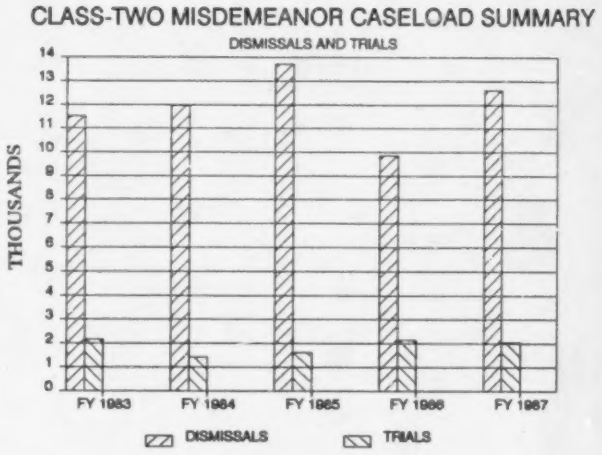


Chart 22. Dismissals and Trials

Class-Two Misdemeanor and Petty Offense Traffic Violation Summary FY 1987

Offense	SDCL Code	Number of Arrests	Total Fine Amount
Speeding	32-25-4,17	87,890	$2,400,915
Parking, Standing	99-1-4	7,297	$62,236
Failure to Stop	32-29-2.1	4,822	$102,569
No Drivers License	32-12-22	4,484	$102,862
Overweight on Axle	32-22-16	2,417	$358,052
Open Container	32-1-9.1	2,564	$78,326
No license Plates	32-5-98	2,043	$47,404
Financial Responsibility	32-35-113	1,822	$23,918
Log Book Violations	49-28-63	1,759	$149,698
Suspended License	32-12-65	1,578	$65,681
Warning Ticket	99-1-2	1,546	$24,604
Revoked License	32-12-65	1,339	$40,672
Exhibition Driving	99-1-52	1,201	$29,118
Disobey Traffic Sign	99-1-11	1,056	$24,259
Comp Certificate	32-9-1,45	888	$67,690
Flashing Red Light	32-28-6	797	$18,430
Illegal Turn	32-26-17,19	713	$15,502
Exhibition Driving	32-24-9	704	$15,268
Careless Driving	99-1-53	687	$23,771
Truck Fuel Tax	10-49-1,21	666	$54,432
Illegal Passing	32-26-26,39	593	$18,183
License Possession*	32-12-39,40	568	$2,816
Racing on Highway	32-25-23	85	$4,734
No Motorcycle Driver License	32-20-2	566	$14,810
Careless Driving	32-24-8	547	$22,570
Follow too Closely	32-26-40,42	532	$14,576
Yield Right of Way	32-26-13,16	502	$13,985
Log Book / Other	49-28A-3	454	$38,534
Overweight Truck	32-9-14	430	$35,333
Yield Right of Way	32-29-3	422	$11,122
Overdriving Road Conditions	32-25-3	420	$10,002
Unauthorized Driver	32-12-72	54	$1,548
Promise to Appear	32-33-2	411	$4,417
Unsafe driving	99-1-16	399	$10,223
Accident Reporting	32-34-7	357	$18,874
Stop for School Bus	32-32-6	314	$17,028
Wrong-Way One-Way	99-1-40	287	$4,864
Wrong Side of Road	32-26-1,3	285	$5,829
Exhibition Driving	99-1-9	284	$6,941
Illegal U-Turn	32-26-25	264	$4,515
Crossing Median	32-26-9	230	$7,505
Oversize/Overweight	32-22-52	224	$18,775
Flashing Stop Light	99-1-50	223	$5,386
Eye Protection*	32-20-4.1	215	$2,724
Minor without Helmet	32-20-4	209	$3,481
Unsafe Backing	32-30-20,21	192	$5,329
Accident Reporting	99-1-17	179	$6,483
Comply with Officer	32-21-30	177	$1,943
Weigh Station	32-33-17	175	$13,823
Head Lamp Violations	32-17-1,27	168	$2,848
Abandoned Vehicle	99-2-23	137	$1,578
Substitute Plates	32-5-103	133	$7,325
Trailer Chains	32-19-9	130	$3,522
Muffler Cut-out	32-15-17	114	$1,747
Careless Driving	99-1-10	112	$5,102
Illegal Lane Change	32-26-6	111	$3,026
Turn on Red Light without Stopping	99-1-51	108	$2,601
Rear Lamp Violations*	32-17-1,27	103	$1,639
Deviating	99-1-39	100	$2,895
Reckless Driving	99-1-41	95	$4,099
Stop at Driveway	99-1-45	92	$2,809
Stop at Accident	32-34-4	88	$4,587
Unsafe Vehicle	32-21-27	83	$1,732
Improper Stopping	32-30-1,2	83	$1,459
Avoid Barricade	99-1-8	69	$1,382
Public Safety Rules*	32-9-1,45	64	$5,150
License Expiration	32-12-42	64	$1,364
Cut or Worn Tires	32-19-13	59	$744
Overwidth Vehicle	32-22-6	55	$4,501
No Trailer License	32-5-97	51	$1,293
Dangling Objects*	32-15-6	50	$433
Total of this List		137,940	$4,093,596
Other Class-Two and Petty Offense Traffic Violations		1,480	$45,495
State Total		139,420	$4,139,091

* Petty Offenses

Table 20. Traffic Violation Summary